

TEXAS SENATE STAFF SERVICES
JCW:cb/334/FLSB14012611CD1SIII/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION III

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speak against the bill.

LUCIO : Thank you, Mr. President. (Clearing of throat) Mr. President and Members, I guess, I'll be very brief. We, we had a chance in this process to craft a bipartisan bill, I truly believe we passed up on that opportunity. I just don't know how an election bill can have any credibility without bipartisan support, especially, in this final outcome. The bigger picture is that we need to professionalize the entire way we administer elections in Texas. The fact that we don't have the technological infrastructure in place to allow people to register and vote on polling day, in my humble opinion, is unf--fortunately, shameful. The fact that we don't have the political will to invest in that infrastructure is again, unfortunately, just as shameful. Electoral reform should be paid for with revenue, not rights. I wanna speak briefly in closing about the Senate rules. This body decided last week to amend the rules and bypass the two-thirds rule regarding voter ID, some of us are very disappointed by that. But we only changed the rules re--regarding voter ID. In other words, I'm going to take a leap of faith and assume that the rules, as they stand, still reflect the desire of this Chamber to produce a bipartisan budget. To take a bipartisan approach to the huge fiscal problems we are facin' in Texas. That's the approach that I started with when I came to that, this Chamber in 1991, and I look forward to moving on in that direction. Thank you.

PRESIDENT : Thank you, Senator Lucio. The Chair recognizes Senator Zaffirini to, to speak against the bill.

ZAFFIRINI : Thank you, Mr. President. Mr. President and Members, I rise to join my Democratic colleagues in voting against Senate Bill 14, which was supported unanimously by our Republican colleagues. And, basically, Members, what I worry about is the future. We who are the political minority in this body do not want to simply be heard, we want to be at the table, we want to participate, and we want to have impact. And starting my 25th year in the Texas Senate, what I worry about in looking back on what happened today, is what does this say for the rest of the Session. I hope that once voter ID is off the table and dealt with that we can come back on a bipartisan basis and address the real issue, the most important issue facing the Senate, and that is the budget that we must adopt. And I hope that in that process all of us, all 31 of us, will have an opportunity to have an impact, not simply to be heard. There're many reasons to oppose this bill. One, is the unknown cost. Look at the fiscal note. How can you possibly take that fiscal note seriously? It simply does not address the unknown costs that we are worried about. And I won't belabor the point and repeat them, because I identified them for you yesterday. Look at the unfunded mandates. They're incredible, they're incredible unfunded mandates, and yet it's so easy to rise and say, we will not pass any bill that calls for an unfunded mandate. How can anyone say that with a straight face. This bill also causes problems in terms of lack of accessibility, and I won't repeat what we pointed out earlier. You saw the map that shows that

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there are 77 counties without DPS offices. You heard the testimony about the negative impact on certain categories of women, on low-income persons, on minorities, on persons with disabilities. There were good amendments offered to cure those problems and, yet, they were rejected on partisan lines. I know that there were people in this Chamber who wanted to vote for some of those amendments and simply did not. That's very difficult for me to understand. Remember what the sh--letter that I shared with you from the Carter-Baker Commission and, specifically, they said very clearly, that one commissioner said very, very clearly, in black and white, that this bill is inconsistent with the recommendations of the Carter-Baker Commission. What else do we need? What else do we need to realize that this bill certainly is not satisfactory? And equally important, Members, what does today say about the importance of the two-thirds rule? This bill will go, will pass along partisan lines, because there is no two-thirds rule. Were there a two-thirds rule in effect, we would've had to achieve consensus. The Lieutenant Governor could've been at his best, the way he has been on so many bills, and brought us together and said, reach a consensus, and we didn't. I will be voting against this bill for many reasons, some of which I repeated today. And I hope that more of you could join us in voting no, but I understand the outcome, I see it clearly, it makes me sad. Thank you, Mr. President and Members.

PRESIDENT : The Chair recognizes Senator Whitmire to speak against the bill.

WHITMIRE : Thank you, Mr. President and Members. The hour is late, but if you'll allow me to speak, the good news is, we've conducted ourself (sic) in a very civil, respectful manner, which, which I'm sure we're all proud. The bad news is, some of you are about to pass a bill that in my judgment, based on the testimony, has unlimited, unintentional consequences. As recently as two days ago, I was thinkin', what would I say if I really had an opportunity to speak to my colleagues. I would say, well, I would probably say to Senator Rodriguez and Senator Birdwell, welcome to the State Senate, this is your first major piece of legislation. And from my experience, gentlemen, two days ago, I would've called this bill pretty typical of what you'll witness, if you'll bear with me. You're gonna find as we go through legislation that the proponents are gonna make somethin' sound like they just, the State has to have it, and the opponents are gonna talk about the negative consequences. The truth of the matter is, from my years of experience is, normally, the proponents are stating a situation that's not nearly as good as they would state, which I certainly think this bill fits. Oftentimes in the debate, the opponents, things aren't nearly as bad as they say they're going to be. It's normally somewhere in between. But I can't say that tonight after having the testimony given. I have to honestly say this bill is worse than the opponents have stated. All you have to do, Members, is remember the testimony of the DPS. It was so unfair, in my judgment, to have that lady there. I work very close with the DPS. I knew she'd taken

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Michael Kelley's position only last June. She was not equipped to answer the questions, 'cause quite honestly, no one with DPS was probably prepared, 'cause it's all based on (specum--galation) (sic). The implementation of Senate Bill 14 has not been thought through. Senator Fraser, we have not put ourself in other people's shoes. The surcharge example, itself, shows how flawed this bill is. Some Senators might say, well, they're, they're lawbreakers in the first place. Le' me (sic) give ya an example of someone that came to my office. Woman comes to my office, a waitress, goin' back with her husband says, Senator Whitmire, I need help. We're driving without a license, 'cause my husband, because he was broke and unemployed, could not pay the surcharge. We're driving without a license. Senator Ogden, the unintended consequences this bill is, you're gonna force that person to go to the DPS office, where they owe six thousand dollars, and be concerned about can they go and leave without bein' apprehended. It has unintended consequences that none of us can anticipate until it's passed and placed in law. Now let me tell you a real concern that each and every one of you oughta have. We have given the DPS an assignment, one, that they didn't want. They don't want, in my judgment. They wanna be securing the Border. They wanna be patrollin' our highways. Do you know the DPS, tonight, is 300 positions short of troopers from authorized levels. They can't compete with the cities for what the cities pay their police officers. I know DPS officers and their staff wanna be enforcin' the laws, they want to take DWI drivers off the road, they wanna secure the Border. Some of you are goin' to the Border (tomorra) (sic) to meet with the DPS and see what we can do more to secure our Border usin' our best police force, our Texas Rangers have swat teams down there. And what have we done, an underfunded agency that can't recruit people, 'cause they can't pay 'em competitive salaries, we've given them the voter registration police assignment. Now they've got to go into DPS offices in Houston, where I routinely get call (sic) because people wait two and three hours. They call me to see if I can get them in line at the front to go back to work. But now, they're gonna be in charge of handling voter registration, for all practical purposes. There are unintended (consiousquinces) (sic) to this bill that no one knows about. But I promise you it's not worse, Senator Rodriguez, than what the opponents claim, it's not as bad as what the opponents claim, it's worse. And it's too bad that we find ourself about to implement something, in my judgment, for political purposes, that's gonna, in my judgment, harm the State of Texas. You talk about polls, it's all about how you ask the questions. And, quite frankly, I don't think we oughta govern by polls, Senator Fraser, or you'd probably have casino gambling and no tellin' what else that you'd probably not agree with the poll on. I think we've not put ourself in other people's shoes. I think, unfortunately, some of us have only looked at how it would affect the communities in which you live. Let me close by saying, we need to remember this, this experience. I'm of the opinion that without the two-thirds, with the two-thirds rule, without the special order provision, we

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wouldn't be about to pass this bill. You need to remember it, th--the amendments on the Floor, how they were handled, and some of you may like it, some of you may like it and say it was fine. But I know, for a fact, before we had the special order, as recently, or goin' back as far as two years ago, there was great dialogue about what our voter ID bill ought to have in it. We almost, I thought, made the progress. Of course, same day registration was one of the considerations that the Democrats wanted. It was a deal killer from other side of the aisle. That's fine i--the bill wouldn't've been in it. But I promise you, with the two-thirds rule, some of the amendments that were turned down today, in my judgment, would've been included. If you watched the process today, Senator Patrick, the votes were very predictable. In fact, people were not workin' the Floor, Members, as we normally do to try to acquire support for your amendments. A reporter asked me the other day, said, well, can you, can you tell us what the outcome's gonna be. I can tell you exactly what the outcome's gonna be. Nineteen people are gonna pass it, twelve are gonna be opposed to it, as we've witnessed. So, as we go forward, I hope we'll remember, maybe you like it, maybe you don't. Today, I actually saw, Senator Duncan, I thought that one side of the aisle, or the nineteen that had the majority, were so in control and not needing to converse with others, that one of the minority Member's amendment was actually used by the other side. It certainly appeared that way. I don't think the best bill that we could have passed, if we wanted voter ID, and, and, Senator Fraser, we're very familiar with the issue. I know how concerned the public is. We share that, we're against fraud, we share the concern about the integrity of the ballot box, as, as professional politicians we share that concern. You know, I don't know what kind of knock-down-drag-out campaigns you've been in, I've been in several. I've been in 'em with a Hispanic opponent in a Hispanic neighborhood. And people come to me and say, you oughta be concerned about the registration process across your district. Fraud, as Senator West points out, does not happen on election day, it happens in the early voting. If we had the time, if you wanted to hear about it, I can tell you how I've witnessed that. We haven't addressed that. But the thing that disturbs me the most, as we go forward, is the lack of give and take, the amendment process, the fact that we didn't spend hours tryin' to define what the best bill that a majority of folks, certainly, two-thirds plus could support. Now, let me just close by sayin', if you like it because 19 folks got to run this place today, with little consideration for the other points of view, the next time it may not be a partisan fight, Senator Birdwell. It could very easily be 12 Democrats and 7 Republicans, or it could be an urban coalition of 19, or it could be any philosophical group of people. And they won't have to slow down and take one of these green sheets and painfully walk around (sometime), and go desk to desk to make sure on each and every amendment that they've got their vote. And they sure won't have to go get a two-thirds count before they bring it up. In closing, the only thing I can say good about the point we are right now, before we vote, is the good news is, this thing is out of our way, this bill

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is outta the way for the time bein'. And now we can go to work on, Troy, what I think the public would poll as the number one concern, the shortfall. All you gotta read is any paper in this State about what the school districts are facin'. They're scared, they're (at) a crisis, they consider that an emergency. And it's interesting, the Governor didn't make the budget an emergency, we did, Senator Ogden. We essentially decided that four-fifths of us were gonna make that an emergency. The school districts are scared. I got calls today from Goose ki--Creek in Baytown, they don't know what to do. That's what they wanna talk about and the good news is voter ID is out of our way and now we can go to what the public believes is a true emergency. You know, what I perceive is an emergency, that you labeled the voter ID, an emergency is to me somethin' you feel like you need to call 9-1-1 on, that you're really in an urgent state. I made reference the other day how many people are followin' this debate, darn few, based on the participation tonight. But I do wanna close by sayin', it's been a great, civil debate, we oughta be proud of that. At the time that Washington, last night, was makin' headlines and news just 'cause they sat with one another, we routinely share each other's company, concern for each other, and we oughta go forward in that environment and deal with the public's business. Thank you.

: (Inaudible, background conversation)
 PRESIDENT : The Chair recognizes Senator Fraser
 for a motion to move Senate Bill 14 to engrossment.

FRASER : Mr. President, I would now move
 passage to engrossment of Senate Bill 14.

PRESIDENT : Members, you've heard the motion by
 Senator Fraser, the Secretary will call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell.
 Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa.
 Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez.
 Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire.
 Williams. Zaffirini.

PRESIDENT : (Gavel) Members, there being 19 ayes
 and 11 nays, Senate Bill 14 passes to engrossment. (Gavel)

END OF EXCERPT

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EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTH DAY

(Wednesday, January 26, 2011)

The Senate met at 8:45 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Uresti.

The President announced that a quorum of the Senate was present.

Senator Estes offered the invocation as follows:

Almighty God, please look kindly upon those who exercise governing power over Your people, especially those of us here in the Texas Senate. I pray that we might always be people of honesty and integrity. May we be kept in good health with the support and cooperation of those we serve. Give us, the men and women who help govern this state, wisdom so we might always know right from wrong, good from evil, and the difference between service to others and service to ourselves. May we always exercise our authority with complete fairness and for the common good of all. May we always have the ability to see a vision of a better, more just, and a more equitable tomorrow. May all those who govern this state be men and women of deep faith, enduring hope, and abiding love. Almighty God, when the human family is confronted with a serious difficulty or an unexpected crisis, please raise from our midst leaders who can solve our problems and help deliver us from all those elements which rob peoples of their peace of mind and inner sense of security. In Your holy name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Uresti was granted leave of absence for today on account of important business.

CONCLUSION OF MORNING CALL

The President at 8:51 p.m. announced the conclusion of morning call.

SENATE BILL 14 ON THIRD READING

The President laid before the Senate **SB 14** by Senator Fraser at this time on its third reading and final passage (Set as special order) (Submitted by Governor as an emergency matter):

SB 14, Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

**LETTER FROM THE OFFICE OF
THE SECRETARY OF STATE**

Senator Gallegos submitted the following letter relating to **SB 14**:

Ann McGeehan
Director of Elections
State of Texas

January 26, 2011

The Honorable Mario Gallegos, Jr.
Texas Senate
P.O. Box 12068 – Capitol Station
Austin, Texas 78711

Dear Senator Gallegos:

This letter is to follow up on the question you asked about the voter education funding during the meeting of the Committee of the Whole yesterday. Specifically, you asked about the state funding for the Missouri voter identification law and why the State of Missouri funded the voter identification law for \$6 million dollars for the first year of implementation and for \$4 million dollars for the second year of implementation.

This morning, I spoke to Waylene Hiles, Interim Deputy Secretary of State for Elections in Missouri. Ms. Hiles explained that the voter identification law enacted by the Missouri was struck down by a state supreme court case several years ago. She stated that several bills are currently pending before their state legislature, but nothing has passed so far. Ms. Hiles did not have immediate access to the fiscal note on the bill that was enacted several years ago and struck down, but she recalled that the funding included two components. One component was for voter education and the

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other component was for providing free identification cards to voters. Ms. Hiles is researching the issue and promised to get back to our office with details. As soon as I obtain additional information, I will forward it to your office.

I hope this information is helpful, and please let me know if you have any additional questions.

Sincerely,

/s/Ann McGeehan
Director of Elections

**LETTERS FROM THE OFFICE OF
THE SECRETARY OF STATE**

Senator Davis submitted the following letters relating to **SB 14**:

Ann McGeehan
Director of Elections
State of Texas

January 26, 2011

The Honorable Wendy Davis
Texas Senate
P.O. Box 12068 – Capitol Station
Austin, Texas 78711

Dear Senator Davis:

This letter is to follow up on several questions that you asked during my testimony before the Committee of Whole as the Committee took up Senate Bill 14.

First, you asked about the number of voters who provided drivers license/personal identification card numbers, social security numbers or who stated that they had neither number when they applied to register to vote. Here is the break down of those numbers since an identification number first became required in January 2006:

Total number of new voters from 1/01/2006 through 12/31/2010: 3,975,567
2,334,281 provided TDL/ID (59%)
294,142 provided SSN (7%)
1,312,638 provided both identification numbers (33%)
34,506 provided neither (1.0%)

Second, you asked about the federal Help America Vote Act Funds. Specifically, you asked about how the HAVA funds are budgeted and requested documentation of the budget. Enclosed are the Texas State Plan and subsequent HAVA funding certifications approved by the federal Election Assistance Commission. Lastly, you asked how much of the HAVA funds had been spent on the online poll worker training program and that amount is \$845,723.

I hope this information is helpful, and please let me know if you have any additional questions.

Sincerely,

/s/Ann McGeehan
Director of Elections

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us



Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Hope Andrade
Secretary of State

October 23, 2009

Gineen Bresso Beach, Chair
US Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

Dear Chairman Beach:

Texas respectfully requests the disbursement to the Texas Comptroller the fiscal year 2008 and 2009 requirements payments for which Texas is eligible pursuant to the Help America Vote Act (HAVA) of 2002. As such, I would like provide the following information regarding our HAVA state plan followed by the necessary certifications to access the funds.

Addendum to the 2005 Texas State Plan

In accordance with Section 254(12) of the Help America Vote Act, the Texas Secretary of State proposes the following clarifications to the Texas State Plan filed in 2005. The state has made no material changes but will modify the budget described in Element 6 of the 2005 State Plan to take into consideration additional Congressional appropriations authorized in federal fiscal years 2008 and 2009 as well as future appropriations. Because no material changes are being proposed, the state is not required to publish a public notice as required in Section 256 of HAVA nor does it need to be published in the Federal Register. However, the state plan, including the information provided in this correspondence, will be made available to the public on the Texas Secretary of State's website.

Element 6: Proposed Budget - HAVA Sec. 254(a)(6)

The state will update the existing state plan budget to accommodate the following:

- Consolidate the state plan purpose areas (budget categories) into the following four main categories:
 1. State Plan Administration: Overall administration of HAVA-funded activities, including staffing costs, technical support, training, and other costs associated with overseeing HAVA implementation.
 2. TEAM (statewide VR system): Activities pertaining to the ongoing development, maintenance, and operation of the HAVA-compliant voter registration

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system, TEAM, developed in response to HAVA. Costs may also cover activities associated with county compatibility with TEAM.

3. Grant to Counties:

Includes sub-grants to counties to continue compliance with Title III of HAVA, including ongoing maintenance and upgrades to HAVA-compliant voting systems. Other sub-grants to counties allow election officials and their staffs to attend election-related conferences, seminars, and training events.

4. Election Worker Training and Voter Education:

Covers election official and election worker training programs – both printed material and online training tools. Voter education is intended to inform all Texas voters of their voting rights under the law, including the mandates imposed by HAVA. Methods to reach the voters include media spots, printed materials, and online tools.

- Maintain funding percentage ranges rather than fixed budget amounts, which allows for the allocation of future appropriations and earned interest.
- Increase funding for TEAM, county compliance with HAVA, Election Worker Training and Voter Education and decrease funding for State Plan Administration as described below.

The revised budget listed below maintains the same allocations as the Texas State Plan of 2005, but accounts for the increased funding made available by Congress in 2008 and 2009. In addition, the revised budget accounts for approximately \$15.2MM in interest accrued on existing funds and include all Title I funding. Although the state proposes to consolidate the Texas State Plan into four main categories, the Secretary of State's accounting system and financial controls track each source of funding separately as well as the details on specific expenditures.

<u>Purpose Area</u>	<u>Proposed Allocation Percentage Range</u>	<u>Proposed Allocation Ranges (in millions)</u>	<u>Suggested Allocations (approx.)</u>
SOS Administrative Expenses	2% - 5%	\$2.2 - \$11.1	\$8,000,000
TEAM (statewide VR system)	10% - 20%	\$22.2 - \$44.5	\$34,000,000
Grants to Counties	65% - 75%	\$144.7 - \$167	\$164,500,000
Voter Ed., Election Official and Poll Worker Training	5% - 10%	\$11.1 - \$22.2	\$16,000,000

<u>Purpose Area</u>	<u>Allocation Percentage Current State Plan</u>	<u>Allocation Percentage Proposed Amended State Plan</u>
SOS Administrative Expenses	4.40%	3.60%
TEAM (statewide VR system)	15.50%	15.30%

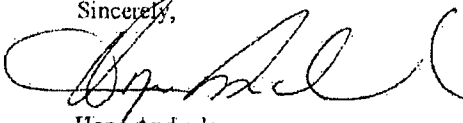
Grants to Counties	73.80%	73.90%
Voter Ed., Election Official and Poll Worker Training	6.40%	7.20%

Certifications

Texas hereby certifies to the following and is eligible to receive payments under Title II, Section 251 of the Help America Vote Act (HAVA):

- Complied with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.
- Filed and implemented a plan for uniform, nondiscriminatory administrative complaint procedures required by HAVA Section 402.
- Appropriated matching funds equal to five percent of the total amount of the HAVA requirements payment budget.
- Complied with the six laws listed in Section 906 of HAVA.
- Filed a state plan that complies with the requirements listed in Sections 254, 255, and 256 of HAVA.
- Certifies under Section 251 (b)(2) of HAVA that it has implemented the requirements of HAVA Title III and may use requirements payments for other activities to improve the administration of elections for federal office.

Sincerely,



Hope Andrade
Texas Secretary of State

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The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-3630
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Hope Andrade
Secretary of State

August, 2010

Donetta Davidson, Chair
US Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

Dear Chairman Davidson:

Texas respectfully requests the disbursement to the Texas Comptroller the fiscal year 2010 Requirements Payments for which Texas is eligible pursuant to the Help America Vote Act (HAVA) of 2002. The Texas Secretary of State does not propose material changes to the Texas State Plan filed in 2005. As outlined in the Texas certification to drawdown the 2008 and 2009 Requirements Payments, the state will continue to allocate the funding in four main categories based on percentages:

<u>Purpose Area</u>	<u>Description</u>	<u>% of Funding</u>
1. State Plan Administration:	Overall administration of HAVA-funded activities, including staffing costs, technical support, training, and other costs associated with overseeing HAVA implementation.	2% - 5%
2. TEAM (statewide VR system):	Activities pertaining to the ongoing development, maintenance, and operation of the HAVA-compliant voter registration system, TEAM, developed in response to HAVA. Costs may also cover activities associated with county compatibility with TEAM.	10% - 20%
3. Grant to Counties:	Includes sub-grants to counties to continue compliance with Title III of HAVA, including ongoing maintenance and upgrades to HAVA-compliant voting systems. Other sub-grants to counties allow election officials and their staffs to attend election-related conferences, seminars, and training events.	65% - 75%
4. Election Worker Training and Voter Education:	Covers election official and election worker training programs – both printed material and online training tools. Voter education is intended to inform all Texas voters of their voting rights under the law, including the mandates imposed by HAVA. Methods to reach the voters include media spots, printed materials, and online tools.	5% - 10%

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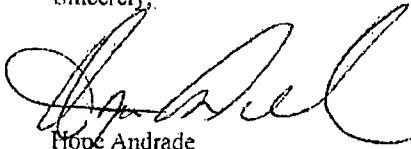
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Certifications

Texas hereby certifies to the following and is eligible to receive payments under Title II, Section 251 of the Help American Vote Act (HAVA):

- Complied with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.
- Filed and implemented a plan for uniform, nondiscriminatory administrative complaint procedures required by HAVA Section 402.
- Appropriated matching funds equal to five percent of the total amount of the HAVA requirements payment budget.
- Complied with the six laws listed in Section 906 of HAVA.
- Filed a state plan that complies with the requirements listed in Sections 254, 255, and 256 of HAVA.
- Certifies under Section 251 (b)(2) of HAVA that it has implemented the requirements of HAVA Title III and may use requirements payments for other activities to improve the administration of elections for federal office.

Sincerely,



Hope Andrade
Texas Secretary of State

Amended Texas State Plan
Pursuant to the Help America Vote Act of 2002
(HAVA)
January, 2005

Geoffrey S. Connor
Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us
(800) 252-VOTE(8683)

**Help America Vote Act 2002
Texas State Plan**

Amended Texas State Plan

1. How the requirements payments (i.e., Title II funds) will be used to meet the mandates in Title III (new federal requirements)

Brief Overview of State Elections Structure

The Secretary of State ("SOS") is the chief election officer of the state and is required to maintain uniformity in elections held in the state and to advise and assist local officials who actually conduct elections. The Secretary of State also has authority to adopt administrative rules to gain uniformity in interpretation of state election laws and procedures.

The conduct of elections in Texas is decentralized. The statutory requirements for elections are set out in the Texas Election Code. The county clerk or county election administrator, in those counties that have created the office, is generally the official charged with conducting county elections. County voter registrars maintain the official list of registered voters; the voter registrar is generally either the county tax assessor-collector, or again the election administrator. The county political parties conduct primary elections in Texas, with the county chair as the chief elections official. Early voting in the primary is conducted by the county elections official.

Other elections are conducted by the political subdivision. City elections are held by the city, school district elections by the school, and so on. These political subdivisions often contract with the county to conduct their election or hold joint elections with one another, but they are not required to do so. They utilize the county list of registered voters appropriate for their locality.

The Secretary of State maintains an unofficial state list of registered voters. The Secretary of State's office houses and maintains a state master file of all registered voters. The Secretary of State also maintains the Texas Voter Registration Online System ("TVRS"), which is a voluntary online voter registration system currently used by 164 of 254 counties. For those counties utilizing the TVRS system, the state database reflects their "official" voter file. The master file has approximately 12.1 million active voters and also stores approximately 2.5 million cancelled voters at any given time. The state master file maintains two separate tables defined for either "offline" or "online" counties. An offline county updates the masterfile through a web browser application, on a weekly basis in a pre-specified standard record layout. TVRS counties update in real time with all transactions validated and updated per session. At present, voter registration systems are reviewed by the Secretary of State's office to ensure that they are capable of submitting reports in a standard format as required by the state.

Texas is a state covered under Section 5 of the federal Voting Rights Act, which requires changes in election processes to be submitted to the Voting Section of the U.S. Department of Justice ("DOJ") for review prior to enforcing the change. At the state level, the Secretary of State submits changes in state election procedures. At the local level, each county must submit its changes to DOJ. These include polling place changes, change in the method of election, and adoption of new voting systems, among others.

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According to the 2000 decennial census, the voting age population of Texas was 14,965,061. The state had 12,365,235 registered voters for the 2000 general election. In the 2002 November general election, the number of registered voters was 12,563,459.

Turnout in the 2000 November general election for state and county officers was 6,407,637, which constituted 51.8% of the registered voters and 42.8% of the voting age population. Turnout in the 2002 general election for state and county officers was 4,553,979, which constituted 36.2% of registered voters and 30.4% of the voting age population, using the 2000 census numbers.

In November 2000, the breakdown of election systems used by counties was:

Paper Ballot:	90
Optical Scan:	150
Punch Card:	14
Lever Machine:	3
DRE:	4

Attached as Table 2 (page 22) is a list of the county by county breakdown of voting systems. The Secretary of State is the authority charged with certifying voting systems for use in the state.

How the state will meet the Title III requirements is described in Table 1 below. The charts have been updated to reflect the current status and action planned as of January 2005.

Table 1

Voting Systems Standards	Current Status	Action Planned
All voting systems shall permit a voter to verify/review selections before casting the vote.	Meets the requirement. Texas Election Code (TEC) Sections 64.007 and 129.001(b).	No action needed.
Allow voter to change or correct any error on the ballot before casting the vote.	Meets the requirement. TEC Section 64.007.	No action needed.
Prevent or alert voter if he/she overvotes on the ballot.	Partially meets the requirement. DRE systems and precinct count optical scan systems alert the voter of an overvote. Manually counted paper ballots, centrally counted optical scan ballots, and punch card ballots do not alert the voter of overvotes. Current process on mail-in paper absentee ballots would not meet the requirement.	A voter education campaign will be implemented in all centrally counted optical scan and paper ballot precincts no later than January 1, 2006, to educate voters on the effect of an overvote on these systems.

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Voting System Standards	State of Texas Current Status	Actions Planned
HAVA Requirement: All voting systems must be able to produce a paper audit trail of all votes cast.	Meets the requirement; state law currently requires real time audit of all election activity. TEC Section 122.001(a)	No action needed.
Voting systems must be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for privacy and independence as other voters. This requirement may be met by having at least one DRE or other system equipped for individuals with disabilities at each polling site.	Partially meets the requirement. 13 counties have adopted an accessible DRE voting system. Most counties do not meet this requirement.	Upgrade existing voting systems or purchase new systems. All polling places will be required to be equipped with at least one DRE no later than January 1, 2006 pursuant to House Bill 1549.
Voting systems shall provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965.	All certified voting systems meet this requirement for Spanish language, and one voting system has been certified for the Vietnamese language.	No action needed.
All voting systems shall have error rates (machine errors only) that do not exceed the Federal Election Commission standards.	Meets the requirement. This requirement was added to state law in HB 1549.	No action needed.
A uniform definition of what constitutes a vote for each voting system in use in the state.	Meets this requirement. State law was passed to provide a uniform definition for what constitutes a vote. House Bill 1549 (2003)	No further action required.

Provisional Voting and Voting Information Requirements	State of Texas Current Status	Actions Planned
HAVA Requirement: A provisional voter is to be allowed to vote a paper ballot or an electronic ballot upon the completion of an affidavit. The ballot will be sealed in an envelope or electronically stored separately from the regular votes. The provisional ballot is to be transported to the appropriate election officials for determination of eligibility and counted if voter	State law was amended to provide procedures to meet this requirement effective January 1, 2004 pursuant to House Bill 1549. The Secretary of State has adopted administrative rules to provide specific procedures and has adopted forms to assist in the implementation of this new process.	No further action needed.

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Provisional Voting and Voting Information Requirements	Sec. 302	
HAVA Requirement	State of Texas Current Status	Action Planned
is deemed eligible.		
Each voter who casts a provisional vote shall be given written information on how he or she can ascertain whether his or her vote was counted, and if not why.	State has developed administrative rules and has adopted forms to implement this requirement.	No further action needed.
Establish a free access system, such as toll-free phone number or Internet website, allowing provisional voters to ascertain whether their vote was counted, and if not why.	State rules require the provisional voter to be notified via mail whether the voter's ballot was counted, and if the ballot was not counted, the reason why it was not counted.	No further action needed.
Post in each polling place a sample version of the ballot that will be used on election day.	State law passed to make it mandatory to post a sample ballot at each polling location.	No further action needed.
Post information regarding the day of the election and polling hours.	State law passed to require this posting.	No further action needed.
Post general information on state and federal voting rights and the right to a provisional vote if the requirements to vote are met.	State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004.	No further action needed.
Post general information on federal and state laws prohibiting acts of fraud and misrepresentation.	State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004.	No further action needed.
Any voter who casts a vote as the result of a federal or state court order extending polling hours, shall do so on a provisional ballot, and it shall be kept separate from other provisional ballots.	State law amended to provide for this occurrence and law became effective January 1, 2004. Precinct election forms were designed to accommodate this occurrence.	No further action needed.

Computerized Statewide Voter Registration System	Sec. 303	
HAVA Requirement	State of Texas Current Status	Action Planned
State shall implement a uniform, official, centralized, interactive computerized statewide voter registration list.	Does not meet the requirement. Currently, 164 counties use the Secretary of State voter registration program to register and maintain their lists of voters. The data is held at the Secretary of State's Office.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state

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Computerized Statewide Voter Registration System	Sec. 903	
HAVA Requirement	State of Texas Current Status	Action Planned
	State law requires the state to maintain a copy of the list of registered voters, and counties have to update to the state database once a week. The state database is not considered the official list of voters.	completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
Perform list maintenance to ensure only qualified voters appear on the list, including felons and deaths of registrants.	State meets this requirement. State receives information from other state agencies regarding deaths and felons and provides this information to county voter registrars on a weekly basis.	No action needed.
Ensure that only voters who are not registered or who are not eligible are removed from the computerized list.	State meets this requirement. State law prescribes narrow guidelines regarding canceling a voter's registration. Only with a positive name and identification number match can a voter be canceled. The local county voter registrar, not the state, cancels voters. Voter registrars may not cancel based on information provided by a vendor unless that information is verified by the voter registrar by a public record. TEC, Chapter 16 and Section 18.0121.	No action needed.
Ensure that voter registration records are accurate and updated regularly.	Does not meet the requirement.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
State to verify applicant's driver's license or social security number prior to approval of applicant.	Does not meet the requirement.	State law was amended to require a statewide official list maintained at the Secretary of State's

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Computerized Statewide Voter Registration System	Sec. 303	
HAVA Requirement	State of Texas Current Status	Action Planned
		office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
State to assign unique identifier if applicant does not have driver's license or social security number.	Does not meet this requirement.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
Require appropriate identification for first time voters if a computerized list has not been implemented.	State law was amended to require identification at time of registration for first time voters registering to vote by mail effective January 1, 2004.	No further action required.
Voter registration application is required to have additional information printed on it.	State has prescribed new form, and has distributed to all counties.	No further action required.

2. How Title II requirement payments will be monitored and distributed for the purpose of meeting the mandates in Title III, including determining the eligibility for receipt of payments and our methods for monitoring the performance of the local entities' continued eligibility.

The SOS has developed an online grant application and management system. This system is essential for the SOS to establish an infrastructure and the necessary controls to effectively manage the HAVA funds and to accurately report the necessary programmatic and financial information to the federal government. Figure 1 (page 15) outlines the currently approved

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requirements payments budget for the 2003 fiscal year appropriation and the proposed budget for the 2004 fiscal year appropriation. The following is a description of how the funding has and will be distributed to funding recipients as well as a description of the funding allotments to each county.

Grant Award Process

In September 2004, an award agreement was sent to each Texas county judge. As the chief executive officer of the county, the judge is required to sign the award agreement. To secure the funding, there are three basic steps:

1. The award agreement must be signed and returned to the Office of the Secretary of State.
2. A resolution from the county's governing body (i.e., county commissioners court) must be submitted as well. Required language for the resolution is included in the award agreement.
3. The online forms located on the Texas HAVA online grant system must be satisfactorily completed. The forms require information such as the official county address as well as the county's Employer Identification Number, State Vendor ID (VIN), and 3-digit Mail Code. The State Vendor ID is assigned by the State Comptrollers Office when an entity receives funds from the state and is comprised of the federal ID number plus a few other digits. The mail code determines which account the funds will be direct deposited into or whether a state warrant will be mailed. The county financial officer (i.e., county auditor or treasurer) will have this information. The county is also required to enter a detailed budget for each funding allocation. Guidelines regarding eligible uses for each funding allocation are included in the award agreement as well as the online forms. Grant activities must also be entered into the grant system where applicable.

DEADLINE TO APPLY FOR FUNDING - The FY 2003 funds will be available through August 31, 2006. Because not all counties will develop their funding priorities at the same rate, there are no deadlines currently imposed by the SOS for the counties to complete the online forms. However, all counties are encouraged to submit the signed grant award agreement that was sent to the county judge along with the required resolution from the commissioners court as soon as possible. The SOS may impose deadlines if an excessive amount of time elapses and the county has taken no action to secure the funding.

RESOLUTION - In addition to the parties that typically sign a resolution for the county (e.g., the county judge and the commissioners), the county election official(s) and the county financial officer must also sign the resolution.

GRANT AWARD APPROVAL AND REQUESTING REIMBURSEMENT - After the SOS has received the signed agreement that was sent to the county judge, the required resolution from the commissioners court as outlined in the award agreement, and the online forms have been submitted via this system, the SOS will review the documents and online forms for accuracy and completeness. Upon SOS approval, an email notification will be sent to the county judge, the election official(s), and the financial officer (Note: an email notification will only be sent if the

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user provides one when entering his or her contact information). At that time, the county financial officer will have access to submit reimbursement requests via the grant system.

Funding Allocations - Fiscal Year 2003 Appropriation

Accessible Voting System in Each Polling Place

These funds are to be used for reimbursement of county costs incurred as a result of obtaining a HAVA-compliant accessible voting system in each polling location. This requirement may be met by having at least one accessible direct recording electronic voting system ("DRE") or other system equipped for individuals with disabilities at each polling site. The reimbursable amount each county is eligible for is calculated based on the number of precincts (polling places) used during the 2000 federal election multiplied by \$3,000.

General HAVA Compliance

These funds may be used by the county for voter education, election worker education, upgrading voting systems to comply with new federal standards -- including compatibility with the new statewide voter registration system, and acquiring an accessible voting system in each polling place. Priority will be given to acquiring an accessible voting system in each polling place because of the January 1, 2006 compliance mandate.

The reimbursable amount each county is eligible for is calculated based on the county's voting age population during the 2000 federal election as a percentage of the state's total voting age population and the total budgeted amount for general HAVA compliance. However, each county that would receive less than \$5,000 based on the formula will receive \$5,000.

Funding Allocations - Fiscal Year 2004 Appropriation

Because the FY 2003 allotment of funding will not cover all of the county costs to purchase an accessible voting system in each polling location, Texas has proposed to increase the Requirements Payments to the counties by 200 percent. By fully funding the costs associated with acquiring at least one accessible voting system for each polling location, counties will be less likely to object to the HAVA mandate. Additionally, the counties may seize the opportunity afforded by the available federal dollars to fully update their outdated voting systems, rather than simply purchasing the HAVA-required minimum of one accessible system per polling location. The SOS will likely amend the current award agreement between the state and the counties or draft a new agreement to accommodate the additional funding.

Grant Regulations and Grant Oversight

The Secretary of State will develop a monitoring plan in 2005. The monitoring function may be outsourced or may be handled internally or a combination of the two may be employed. This grant program falls under the general requirements of the Uniform Grant Management Standards ("UGMS") prescribed by the Texas Office of the Governor. UGMS prescribes a standard set of

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financial management procedures and definitions and ensures accountability for expenditure of public funds. UGMS also incorporates the following federal regulations:

- OMB Circular A-87
- OMB Circular A-102
- "Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988
- OMB Circular A-133

Per the terms and conditions of the award agreement, any funding received by the county, regardless of the purpose, is contingent on each polling place within the county must have a voting system that is SOS-certified as accessible for individuals with disabilities, including non-visual accessibility for the blind and visually-impaired, in a manner that provides the same opportunity for privacy and independence as other voters no later than January 1, 2006.

3. Voter Education, Election Official Education and Training, and Poll Worker Training

a. Voter Education Plan Goal

The state will develop a comprehensive voter education plan to educate voters on certified voting systems and the proper use of those voting systems, with special emphasis on accessibility issues as it relates to the use of voting systems. Components of the education plan will include the statewide voter registration system, and how to vote a provisional ballot. The state has a responsibility to ensure that the voting process and our systems of voting are accurate, secure, and accountable. Our voter outreach efforts will need to be designed to reflect and incorporate the diverse populations of Texas through a well-executed, adaptable program, delivered in an easy-to-use format, and in alternative formats for individuals with disabilities. The mediums for delivery of this voter education program will need to be equally diverse.

b. Educating the Voter

- The state surveyed the 254 counties, compiled a list of best practices, and developed resources to supplement existing training materials for the voter. The Secretary of State will release an RFP in 2005 for the HAVA Education piece that will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. HAVA funding will be used for education as it relates to Title III of HAVA, which includes educating the voter on: 1) How to verify/review selections before casting the vote. 2) How to change or correct any error on the ballot before casting the vote. 3) How to avoid over voting. 4) How individuals with disabilities, including non-visual accessibility for the blind and visually impaired, can access the voting system in a matter that provides the same opportunity for privacy and independence as other voters. 5) How the county's voting system provides alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965. 6) What constitutes the uniform definition of the voting

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system(s) in use in the county? And 7) How to vote a provisional ballot, including written information on how the voter can ascertain whether his or her vote was counted, and if not, why.

Although HAVA funds were not spent on education prior to the 2004 elections we, at the state level:

- Revised all of our brochures, including Services Available to Voters with Special Needs, Texas Voting, Early Voting in Texas, and Volunteer Deputy Registrar Guide. Those brochures are on our web site and also available in hard copy.
- The following brochures have been developed, and are available via our web: Young Texas Voters; When Your Home is Your Polling Place; and Conducting a Successful Voter Registration Campaign.
- The following new items/brochures were developed and disseminated statewide to election officials and upon request to voters: What Every Texan Needs to Know About Elections in Texas (targeting First Time Voters); Voter Rights Poster and Overvote/Undervote Poster.
- We developed and disseminated the Project V.O.T.E. (Voters of Tomorrow through Education) Student Mock Election Curriculum for teachers regarding the conduct of a mock election, for Texas students, kindergarten through 12th grades. Over a half million students participated in the 2004 Texas Student mock election.
- A PowerPoint Presentation was developed titled "Voter Education-A General Overview." This presentation was/is designed for civic groups, charitable and non-profit organizations for conducting voter registration drives.
- The Secretary of State appointed a virtual voter education advisory committee composed of voter advocacy groups and other interested stakeholders to advise the Secretary of State on HAVA-related voter education materials and programs.

c. Election Officials Education and Training

- The state developed a comprehensive training component for Election Officials that included videos; pamphlets; updated handbooks; and an election-based training module prior to January 2004. The new training program and educational resources explain all the components of HAVA, including: overvote and undervote; provisional voting; DRE's; voters rights; the administrative hearing process; new voting system requirements; statewide voter registration system requirements; methods of poll worker training; accessibility for people with disabilities; and alternative language requirements.
- The state will look into the possibility of developing an outreach program working with the Department of Public Safety (DPS) to provide resources and materials to improve the voter registration process no later than July 2006.

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- The state will continue to work proactively with election officials to assist and advise in the recruitment of college and university students as poll workers.
- The state will investigate the possible creation of an on-line training module for election officials, with a possible certification component no later than January 2006.

d. Training of Poll Workers

- The State has developed and disseminated statewide a new curriculum for Election Judges and Clerks, complete with a training video for preparing the polling place, qualifying voters, closing the polling place and discussing new law and HAVA. The curriculum for Election Judges and Clerks also has a testing component. We were successful in training over 49,000 poll workers before our 2004 Primary Elections.
- Regional schools for the training of election judges and clerks for the 2004 Election were conducted prior to the Primary and General Elections. Secretary of State staff traveled the state, educating election officials about Texas law, HAVA, and in some locations, we partnered with the Coalition of Texans with Disabilities, who presented a unit on voters with disabilities and educating election officials on the rights of disabled voters.

4. How the state will adopt voting system guidelines consistent with Sec. 301 (Sec. 254, a, 4).

Voting System Standards

The state of Texas' voting systems standards contained at Section 122.001 of the Texas Election Code are already in substantial compliance with the requirements set out in Section 301(a)(1) of HAVA. Pursuant to an administrative rule adopted by the Secretary of State, Rule 81.61, before any voting system may be certified for use in a Texas election, the voting system must meet the voluntary voting systems standards promulgated by the Federal Election Commission. Texas Administrative Code § 81.61 (Tex. Sec. of State).

Overvote and Opportunity to Correct Ballot

All systems used in Texas allow a voter to change his or her vote. In a paper or optical scan ballot system, a voter may receive up to two replacement ballots if he or she makes an error marking the original ballot. Texas currently posts voting instructions that inform the voter of his or her right to replace a spoiled ballot.

Precinct-level optical scan voting systems inform the voter of an overvote in a particular race and give the voter an opportunity to correct the ballot. Texas Administrative Code § 81.52 (Tex. Sec. of State). Direct Recording Electronic voting systems ("DRE's") currently certified for use in Texas and mechanical lever machines do not allow for overvoting. In those entities using hand-counted paper ballot, central count optical scan, mechanical lever machines or punch card voting systems, the voter is not informed when he or she overvotes in a race. However, language will be added to voter instructions to inform voters of the

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definition and consequences of an overvote, and Texas will establish a voter education program to explain the effect of overvoting. Punch card and lever voting systems will be phased out of use. The Texas Legislature passed legislation this year to prohibit their use after January 1, 2006.

All of the systems used in Texas allow voters to view their choices before they cast their ballot. DRE voting systems are already required under current state law to present voters with a summary screen of the entire ballot to allow voters to review and change their choices prior to the final cast of the ballot.

Manual Audit

Electronic voting systems are required under state law to provide records from which the operation of the voting system may be audited. In addition, the Secretary of State has adopted an administrative rule, Section 81.61, which requires a real time audit log that records all significant election events and records the date and time of each event. Also, due to the fundamental inability of lever machines to produce a manual audit of its records, Texas has recently passed a law that prohibits the use of these systems in elections after January 1, 2006.

Accessibility

Under HAVA, the voting system must be accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters. HAVA provides that this requirement may be met by placing a DRE or other accessible voting unit in each polling place.

Texas law currently requires voting systems acquired on or after September 1, 1999 to comply with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and to provide a practical and effective means for voters with physical disabilities to cast a secret ballot. Detailed guidelines as to what constitutes an accessible voting system have been adopted by administrative rule which is enclosed. In all the remaining polling places throughout the state which use voting systems that do not meet the accessibility guidelines, counties will purchase at least 1 DRE per polling place in order to satisfy the requirements.

The state legislation implementing HAVA repeals the current voting system accessibility law and replaces it with language which tracks the federal law for accessibility. Until the Election Assistance Commission issues HAVA-compliant accessibility standards, Texas will continue to evaluate accessibility based on the state rule and FEC accessibility standards.

Language Accessibility

Because Texas is a state covered by Section 1973aa-1a and Section 1973b(f)(4) of the federal Voting Rights Act, voting systems are already required to provide alternative language

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accessibility to the ballot. Statewide, Spanish has been required since 1975 and ballots have been required to be in English and Spanish since that time. As a result of the 2000 census, in some areas of the state, Vietnamese, Kickapoo, and Pueblo languages are required. Review of whether a voting system provides alternative languages is already an element of voting system certification in Texas.

Error rates

HAVA requires that the counting error rate of voting systems must comply with the standards established under the Federal Election Commission. Secretary of State Administrative Rule 81.61 requires that before a voting system may be certified for use in Texas, the voting system must meet the voluntary voting system standards promulgated by the Federal Election Commission. In addition, the state legislation adopted to implement HAVA amends the Texas Election Code to require that all voting systems comply with the error rate standards adopted by the Federal Election Commission.

Definition of "Vote"

Current state law contains a detailed definition of a punch card vote. Texas has recently passed legislation that fully defines what constitutes a vote cast under hand-counted paper ballot, optical scan, and lever machine systems. See Exhibit D.

5. How the Election Fund will be established and managed (Sec. 254, a, 5).

The Texas Legislature created an "Election Improvement Fund" as a dedicated account in the general revenue fund and consists of federal funds designated for election improvement, matching funds from the state or a political subdivision, and depository interest earned on the assets of the fund. The state has appropriated funds to satisfy the five percent match requirement of Section 253 of HAVA in House Bill 1549, 78th Regular Session, 2003. The fund will be managed according to the Uniform Grant Management Standards prescribed by the Texas Office of the Governor and the terms and conditions of the federal grant award(s). The SOS has also hired a grant manager as well as an accountant to oversee and administer the grant program.

6. The state's proposed budget for activities under this part, based on the state's best estimates of the costs of such activities and the amount of funds to be made available.

The budget below is based on the state's best estimate. The SOS anticipates some adjustments will be necessary; however, the Secretary of State will reconvene the HAVA Advisory Committee for advice on how to reallocate the funds if the change is substantive. It should be noted that the "free access system for provisional voters has been adjusted to \$0 because the state is already in compliance with that requirement.

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Figure 1

	FY03 Approp.	FY04 Approp.
Title I Federal Award:	\$23,476,116	\$0
	Estimated Amount	Actual Budget
Punch Card and Lever Replacement	\$6,269,521	\$6,269,521
Preliminary Planning For Statewide Voter Registration System	\$500,000	\$465,836
State Plan Administration	\$2 - 4 million	\$3,726,690
Voter Education	\$2 - 3 million	\$2,795,017
Election Official and Poll Worker Training	\$2 - 3 million	\$2,795,017
County Compatibility with New Statewide Voter Registration System	\$6 million	\$5,590,035
County Education Fund	\$1 - 2 million	\$1,834,000
Total:	\$19.77 - 24.77 million	\$23,476,116
Title II Federal Award:	\$57,504,778	\$103,187,171
Required State Match:	\$3,026,567	\$5,430,904
Total Available:	\$60,531,345	\$108,618,075
	Estimated Amount	Actual Budget
SOS Admin (State Plan Administration)	N/A	N/A
Free Access System for Provisional Voters	\$1 million	\$0
Statewide Voter Registration System	\$10 - 15 million	\$14,773,345
Accessible Voting System in Every Polling Place	\$25.5 million	\$25,758,000
Grant Funding to Counties for HAVA (Title III) Compliance	\$20 million	\$20,000,000
County Compatibility with New Statewide Voter Registration System	N/A	N/A
Voter Education, Election Official and Poll Worker Training	N/A	N/A
Total:	\$56.5 - 61.5 million	\$60,531,345

7. Statement that the state will, in using the requirements payments, provide for maintaining the funding for activities funded by the payments at a level not less than the fiscal year ending before November 2000 (Sec. 254, a, 7).

The Secretary of State has determined that the activities funded by the requirements payments as outlined in this state plan will not reduce the level of expenditures maintained by the state for the fiscal year ending prior to November 2000. Additionally, since the initial state plan was filed, the SOS has determined that the requirements payments activities as outlined in this plan have never been funded by the state to the counties prior to the fiscal year ending before November 2000. Consequently, the counties need not certify they are in compliance with the maintenance of effort requirement as originally proposed as it is not applicable.

8. How the state will adopt performance goals and measures to determine success in carrying out the plan (Sec. 254, a, 8).

The Secretary of State and county election officials are responsible for ensuring the success in meeting each performance goal. Each county's voter registration and elections office also have a substantial responsibility in meeting performance goals in that the counties will monitor performance measures and will report to the state on a regular basis.

The performance goals include:

ELIMINATION OF PUNCH CARD VOTING AND LEVER EQUIPMENT

- Timetable: January 1, 2006
- Criteria: Replacement of punch card voting equipment and lever machines in 17 counties that used voting equipment in 2000.

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- c. How criteria is measured: Assess 17 counties after January 1, 2006 to determine if any punch card or lever machines are being used in federal elections.
- d. The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

VOTING SYSTEM STANDARDS

- a. **VOTING SYSTEMS**
 - (1) Timetable: January 1, 2006
 - (2) Criteria: All voting precincts in the state will have a voting system that provides voters an opportunity to check for and correct ballot errors in a private and independent manner, notifies the voter of any overvotes cast and the effect of casting an overvote, allows the voter to correct the overvote before the ballot is cast, has a manual audit capacity, and an error rate that does not exceed the existing rate established by the FEC or Office of Election Administration. For the precincts that do not have such a system in place, an extensive voter education program will be developed and used in each county. A program will be developed for each type of voting system and paper ballot to educate the voter on what constitutes a legal vote for each type of voting machine and how to correctly cast a ballot for each type of voting system.
 - (3) How the criteria is judged: Assess all counties to ensure 100% participation in using voting systems that meet the HAVA requirements or using the education program developed by the Secretary of State.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- b. **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES**
 - (1) Timetable: January 1, 2006
 - (2) Criteria: Provide at least one direct recording voting device in each polling place in the state that will allow voters with disabilities the opportunity to cast a ballot without assistance.
 - (3) How criteria is judged: Assess each county to ensure 100% of the polling places have implemented a direct recording voting device that allows voters with disabilities the opportunity to cast a ballot without assistance.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- c. **ALTERNATE LANGUAGE ACCESSIBILITY**
 - (1) Timetable: Currently
 - (2) Criteria: Provide alternative language accessibility pursuant to the federal Voting Rights Act.

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- (3) How criteria are judged: Texas has provided alternative language for all voting systems, voting materials and forms used in the polling place since 1975. Before a voting system is certified by the Secretary of State, the voting system must demonstrate alternate language accessibility.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

PROVISIONAL VOTING

a. **PROVISIONAL BALLOTS PROVIDED**

- (1) Timetable: January 1, 2004
- (2) Criteria: Provide provisional ballots to ensure no individual is turned away at the polls.
- (3) How criteria is judged: Assess all counties to ensure the new procedures for provisional voting are in place and that all election workers have been trained on the new procedures.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

b. **FREE ACCESS SYSTEM**

- (1) Timetable: January 1, 2004
- (2) Criteria: Implement a free access system in each county so that the voters can determine if their provisional ballot was counted.
- (3) How criteria is judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that voters can determine if their provisional ballot was counted.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

c. **INFORMATIONAL VOTING POSTER**

- (1) Timetable: January 1, 2004
- (2) Criteria: Voter information must be posted at each polling place, to include: sample ballots; dates and hours of voting; instructions for voters registering by mail and for first time voters; voter rights (including the right to vote a provisional ballot); and legal notice prohibiting voter fraud and misrepresentation.
- (3) How criteria is judged: Survey all counties to ensure that the voting poster is included with election supplies and that all election workers have been instructed to post such information in the polling place.
- (4) The Secretary of State will prescribe and distribute informational posters to all counties prior to January 1, 2004. The county election officials are responsible for ensuring the poster is properly posted in each precinct.

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STATEWIDE VOTER REGISTRATION SYSTEM

- a. **COMPUTERIZED STATEWIDE VOTER LIST**
 - (1) Timetable: January 1, 2006
 - (2) Criteria: Implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level.
 - (3) How criteria is judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirements of HAVA.
 - (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.
- b. **NEW VOTER REGISTRATION APPLICATION**
 - (1) Timetable: January 1, 2004
 - (2) Criteria: Prescribe, print and distribute new voter registration applications that meet the requirements of HAVA.
 - (3) How criteria is judged: The Secretary of State will prescribe, print and distribute a new voter registration application to all counties prior to January 1, 2004.
 - (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

The Secretary of State will collect specific data to identify the successes of each county as it relates to the implementation of the Help America Vote Act of 2002 (HAVA). The Secretary of State will compile the data in report(s) for tracking purposes and to share with interested parties such as the EAC. The report will include an indication of whether each county met the performance goals. If the Election Assistance Commission or any other federal agency should prescribe such a report or survey, the state will use the federal form in lieu of the state form.

9. Description of state based administrative complaint procedures (Sec. 254, a, 9):

The Secretary of State has adopted an administrative complaint procedure through its rulemaking authority. Complaints are limited to those arising from violations of Title III of HAVA. As required under Section 402(2) of HAVA, complaints shall be required to be in writing, signed by the complainant, and notarized. The Secretary of State will have authority to consolidate complaints for efficiency and to resolve any complaints through an informal process, if warranted.

Review of the complaint will be held pursuant to the right of notice, hearing, and adjudication as set out in the administrative rule.

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10. A description of how payments for punch card replacement and early out money affects the activities under the plan, including the amount of funds available (Sec. 254, a, 10).

Punch card and lever voting system replacement award agreements were sent to all eligible counties in April 2004. The Title I funds will be distributed, administered, and monitored using the same standards as the requirements payments that are distributed to the counties.

11. Description of how the state will conduct ongoing management of the plan (Sec. 254, a, 11):

The Secretary of State has hired a HAVA grant manager, a HAVA grant accountant, a project manager to oversee the development and implementation of the HAVA-compliant statewide voter registration system, and will hire monitoring staff or outsource that function. All procurement with HAVA funds will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. All sub-awarded grants will include an award agreement with the terms and conditions governing the use of the funds and will adopt by reference the State of Texas Uniform Grant Management Standards, OMB Circular A-87, OMB Circular A-102, "Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988, and OMB Circular A-133.

If material changes to the state plan are necessary, the Secretary of State will propose the change in the Texas Administrative Register. In addition, the Secretary of State intends to continue working with the HAVA Advisory Committee as the plan is implemented. The State Plan provides a general framework of HAVA implementation in Texas, but the Secretary of State will continue, as needed, to adopt administrative rules to define specific procedures for provisional voting and other HAVA-related issues as well as modify and design forms as the implementation of HAVA continues to evolve. As rules are proposed and as new voter forms are drafted, the Secretary of State will distribute the drafts to the HAVA Advisory Committee for comments and suggestions.

12. Description of how the plan reflects changes from the state plan for the previous fiscal year.

Each section has been updated accordingly and reflects the current state plan.

13. A description of the committee that participated in the development of the plan (Sec. 254, a, 13).

An advisory committee was appointed by the Secretary of State to help develop the State Plan. We enlisted professional associations, voter advocacy groups and other relevant associations, and requested that each association appoint a representative to serve on the advisory committee. The Committee conducted public meetings on the following dates: April 3, 2003, May 1, 2003, June 27, 2003, February 20, 2004, and November 12, 2004. Minutes of all Committee meetings are posted on the Secretary of State website at <http://www.sos.state.tx.us/elections/hava/index.shtml>. The Preliminary Texas State Plan was

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posted on the web on July 25, 2003 and also published in the Texas Register on August 1, 2003. Public comment was accepted through September 2, 2003.

The proposed amended budget was posted on the Secretary of State agency website on November 5, 2004 and was discussed at the November 12, 2004 meeting of the HAVA Advisory Committee. In addition, notice of the proposed amended budget was published in the Texas Register on November 5, 2004.

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Advisory Committee Members:

Teresa Aguirre Texas Association of Counties	Beverly Kaufman Harris County Clerk	Bruce Sherbet Dallas County Elections Administrator
Phil Barrett Texas Department of Information Resources	Bob Lydia President NAACP	Sandra Vice State Auditor's Office
Paul Bettencourt Harris County Tax Assessor- Collector	Molly Beth Malcolm Chairwoman Texas Democratic Party	Bea Westbrook President Texas Association of Tax Assessor-Collectors Newton County Tax Assessor Collector
Paulette Burke Texas County & District Clerks Association Rockwall County Clerk	Germaine Martinez Program Specialist Texas Department of Public Safety	Chad Wilbanks Texas Republican Party
Brett Carr Senate State Affairs	The Honorable Jane Nelson Texas State Senator	Don Willett Deputy Attorney General, General Counsel Office of the Texas Attorney General
The Honorable Mary Denny Texas State Representative Chair, House Elections Committee	Jodi Park Coalition of Texans with Disabilities	
Judge Robert Eckels County Judges and Commissioners Association	Nina Perales MALDEF	
Frank Elder Assistant Chief Texas Department of Public Safety	Sharon Rowe President Texas Association of Elections Administrators Collin County Elections Administrator	
Claude Foster ACLU of Texas, Inc.	Rudy Sandoval Chief of Staff LULAC	
Barbara Hankins Texas League of Women Voters	Michael Scholfield Assistant General Counsel Governor's Policy Office of the Governor	
David Hanna Texas Legislative Council	Jonas Schwartz Program Services Manager Advocacy, Inc.	

FUNDING ALLOCATIONS TO TEXAS COUNTIES

Table 2

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
ANDERSON	Optical Scan	25	43,678	\$7,000	\$75,000.00	\$58,022	200% FY03 Accessibility and Gen. HAVA Comp. Funding \$266,341
ANDREWS	Paper	5	8,903	\$7,000	\$15,000.00	\$11,827	\$53,714
ANGELINA	Optical Scan	40	57,974	\$7,000	\$120,000.00	\$77,013	\$394,466
ARANSAS	Optical Scan	7	17,151	\$7,000	\$21,000.00	\$22,784	\$87,665
ARCHER	Optical Scan	14	6,358	\$7,000	\$42,000.00	\$8,446	\$101,005
ARMSTRONG	Paper	9	1,589	\$7,000	\$27,000.00	\$5,000	\$64,071
ATASCOSA	Optical Scan	25	26,373	\$7,000	\$75,000.00	\$35,034	\$220,314
AUSTIN	Optical Scan	19	17,215	\$7,000	\$57,000.00	\$22,869	\$159,915
BAILEY	Paper	8	4,597	\$7,000	\$24,000.00	\$6,107	\$60,281
BANDERA	Optical Scan	12	13,292	\$7,000	\$36,000.00	\$17,657	\$107,434
BASTROP	Optical Scan	22	41,589	\$7,000	\$66,000.00	\$55,247	\$242,765
BAYLOR	Paper	6	3,135	\$7,000	\$18,000.00	\$5,000	\$46,051
BEE	Optical Scan	18	24,794	\$7,000	\$54,000.00	\$32,937	\$174,067
BELL	AVM	43	169,236	\$9,000	\$129,000.00	\$224,815	\$708,419
BEXAR	Optical Scan	626	996,458	\$11,000	\$1,878,000.00	\$1,323,705	\$6,410,551
BLANCO	Paper	9	6,368	\$7,000	\$27,000.00	\$8,459	\$70,998
BORDEN	Paper	8	550	\$7,000	\$24,000.00	\$5,000	\$58,065
BOSQUE	Optical Scan	18	13,003	\$7,000	\$54,000.00	\$17,273	\$142,706
BOWIE	Optical Scan	37	67,135	\$7,000	\$111,000.00	\$89,183	\$400,812
BRAZORIA	Punch Card	68	172,664	\$9,000	\$204,000.00	\$229,369	\$867,704
BRAZOS	Punch Card	109	119,680	\$9,000	\$327,000.00	\$158,984	\$973,052
BREWSTER	Paper	8	6,902	\$7,000	\$24,000.00	\$9,169	\$66,411
BRISCOE	Paper	7	1,305	\$7,000	\$21,000.00	\$5,000	\$52,058
BROOKS	Optical Scan	10	5,459	\$7,000	\$30,000.00	\$7,252	\$74,587
BROWN	Optical Scan	18	27,943	\$7,000	\$54,000.00	\$37,120	\$182,443
BURLESON	Optical Scan	16	12,047	\$7,000	\$48,000.00	\$16,003	\$128,149
BURNET	Optical Scan	24	25,779	\$7,000	\$72,000.00	\$34,245	\$212,727
CALDWELL	Optical Scan	20	23,068	\$7,000	\$60,000.00	\$30,644	\$181,490
CALHOUN	Optical Scan	30	14,767	\$7,000	\$90,000.00	\$19,617	\$219,478
CALLAHAN	Optical Scan	8	9,527	\$7,000	\$24,000.00	\$12,656	\$73,393
CAMERON	Optical Scan	84	221,932	\$9,000	\$252,000.00	\$294,817	\$1,094,853
CAMP	Paper	13	8,447	\$7,000	\$39,000.00	\$11,221	\$100,554
CARSON	Paper	10	4,700	\$7,000	\$30,000.00	\$6,244	\$72,568

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COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
CASS	Optical Scan	26	22,869	\$7,000	\$78,000.00	\$30,379	200% FY03 Accessibility and Gen. HAVA Comp. Funding \$217,001
CASTRO	Paper	9	5,541	\$7,000	\$27,000.00	\$7,361	\$68,798
CHAMBERS	Punch Card	14	18,507	\$7,000	\$42,000.00	\$24,585	\$133,318
CHEROKEE	Optical Scan	29	34,383	\$7,000	\$87,000.00	\$45,675	\$265,645
CHILDRESS	Paper	5	5,989	\$7,000	\$15,000.00	\$7,956	\$45,963
CLAY	Paper	17	8,271	\$7,000	\$51,000.00	\$10,987	\$124,113
COCHRAN	Paper	8	2,554	\$7,000	\$24,000.00	\$5,000	\$58,065
COKE	Paper	8	2,922	\$7,000	\$24,000.00	\$5,000	\$58,065
COLEMAN	Paper	15	7,053	\$7,000	\$45,000.00	\$9,369	\$108,860
COLLIN	Punch Card	127	350,368	\$9,000	\$381,000.00	\$485,432	\$1,694,753
COLLINGSWORTH	Paper	8	2,360	\$7,000	\$24,000.00	\$5,000	\$58,065
COLORADO	Optical Scan	19	15,171	\$7,000	\$57,000.00	\$20,153	\$154,479
COMAL	Optical Scan	31	58,107	\$7,000	\$93,000.00	\$77,190	\$340,759
COMANCHE	Paper	17	10,475	\$7,000	\$51,000.00	\$13,915	\$129,975
CONCHO	Paper	9	3,328	\$7,000	\$27,000.00	\$5,000	\$64,071
COOKE	Optical Scan	26	26,421	\$7,000	\$78,000.00	\$35,098	\$226,448
CORVELL	Optical Scan	21	55,305	\$7,000	\$63,000.00	\$73,468	\$273,240
COTTLE	Paper	6	1,448	\$7,000	\$18,000.00	\$5,000	\$46,051
CRANE	Paper	5	2,722	\$7,000	\$15,000.00	\$5,000	\$40,045
CROCKETT	Optical Scan	5	2,914	\$7,000	\$15,000.00	\$5,000	\$40,045
CROSBY	Paper	11	4,898	\$7,000	\$33,000.00	\$6,507	\$79,101
CULBERSON	Paper	7	2,018	\$7,000	\$21,000.00	\$5,000	\$32,058
DALLAM	Paper	10	4,244	\$7,000	\$30,000.00	\$5,638	\$71,355
DALLAS	Optical Scan/DRE	791	1,599,868	\$11,000	\$2,373,000.00	\$2,125,280	\$9,006,595
DAWSON	Paper	12	11,148	\$7,000	\$36,000.00	\$14,809	\$101,732
DEAF SMITH	Optical Scan	9	12,380	\$7,000	\$27,000.00	\$16,446	\$86,988
DELTA	Paper	11	3,964	\$7,000	\$33,000.00	\$5,266	\$76,617
DENTON	Optical Scan	126	312,866	\$9,000	\$378,000.00	\$415,614	\$1,588,999
DEWITT	Paper	17	15,253	\$7,000	\$51,000.00	\$20,262	\$142,683
DICKENS	Paper	7	2,250	\$7,000	\$21,000.00	\$5,000	\$52,058
DIMMIT	Optical Scan	8	6,847	\$7,000	\$24,000.00	\$9,096	\$66,265
DONLEY	Paper	10	2,972	\$7,000	\$30,000.00	\$5,000	\$70,078
DUVAL	Optical Scan	12	9,252	\$7,000	\$36,000.00	\$12,290	\$96,689
EASTLAND	Optical Scan	10	14,050	\$7,000	\$30,000.00	\$18,664	\$97,437

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
ECTOR	Punch Card	42	84,303	\$7,000	\$126,000.00	\$111,989	200% FY03 Accessibility and Gen. HAVA Comp. Funding \$476,509
EDWARDS	Paper	6	1,546	\$7,000	\$18,000.00	\$5,000	\$46,051
ELLIS	Optical Scan	60	77,716	\$7,000	\$180,000.00	\$103,239	\$567,109
EL PASO	Punch Card/DRE	156	462,199	\$9,000	\$468,000.00	\$613,990	\$2,166,393
ERATH	Optical Scan	27	24,889	\$7,000	\$81,000.00	\$33,063	\$228,380
FALLS	Paper	13	13,440	\$7,000	\$39,000.00	\$17,854	\$113,834
FANNIN	Optical Scan	20	23,992	\$7,000	\$60,000.00	\$31,871	\$183,947
FAYETTE	Optical Scan	28	16,747	\$7,000	\$84,000.00	\$22,247	\$212,731
FISHER	Paper	11	3,304	\$7,000	\$33,000.00	\$5,000	\$76,085
FLOYD	Paper	12	5,332	\$7,000	\$36,000.00	\$7,083	\$86,262
FOARD	Paper	5	1,203	\$7,000	\$15,000.00	\$5,000	\$40,045
FORT BEND	Optical Scan	104	240,980	\$9,000	\$312,000.00	\$320,120	\$1,265,650
FRANKLIN	Paper	10	7,159	\$7,000	\$30,000.00	\$9,510	\$79,108
FREESTONE	Optical Scan	16	13,645	\$7,000	\$48,000.00	\$18,126	\$132,400
FRIIO	Optical Scan	11	11,592	\$7,000	\$33,000.00	\$15,399	\$96,906
GAINES	Optical Scan	9	9,402	\$7,000	\$27,000.00	\$12,490	\$79,068
GALVESTON	Optical Scan	77	183,289	\$9,000	\$231,000.00	\$243,483	\$950,024
GARZA	Paper	10	3,506	\$7,000	\$30,000.00	\$5,000	\$70,078
GILLESPIE	Optical Scan	16	16,327	\$7,000	\$48,000.00	\$21,689	\$139,533
GLASSCOCK	Paper	5	935	\$7,000	\$15,000.00	\$5,000	\$40,045
GOLIAD	Optical Scan	11	5,135	\$7,000	\$33,000.00	\$6,821	\$79,732
GONZALES	Optical Scan	16	13,421	\$7,000	\$48,000.00	\$17,829	\$131,804
GRAY	Optical Scan	15	17,282	\$7,000	\$45,000.00	\$22,958	\$136,067
GRAYSON	Optical Scan	54	82,620	\$7,000	\$162,000.00	\$109,753	\$544,113
GREGG	Optical Scan	23	81,588	\$7,000	\$69,000.00	\$108,382	\$355,160
GRIMES	Optical Scan	21	17,715	\$7,000	\$63,000.00	\$23,533	\$173,259
GUADALUPE	Optical Scan/DRE	83	63,693	\$7,000	\$249,000.00	\$84,610	\$667,965
HALE	Paper	19	25,532	\$7,000	\$57,000.00	\$33,917	\$182,037
HALL	Paper	8	2,753	\$7,000	\$24,000.00	\$5,000	\$58,065
HAMILTON	Optical Scan	15	6,270	\$7,000	\$45,000.00	\$8,329	\$106,777
HANSFORD	Paper	9	3,795	\$7,000	\$27,000.00	\$5,041	\$64,154
HARDEMAN	Paper	6	3,526	\$7,000	\$18,000.00	\$5,000	\$46,051
HARDIN	Optical Scan	18	34,715	\$7,000	\$54,000.00	\$46,116	\$200,455
HARRIS	Punch Card	935	2,416,022	\$11,000	\$2,805,000.00	\$3,209,467	\$12,042,351

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COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
HARRISON	Optical Scan	29	45,441	\$7,000	\$87,000.00	\$60,364	200% FY03 Accessibility and Gen. HAVA Comp. Funding \$295,057
HARTLEY	Paper	7	4,385	\$7,000	\$21,000.00	\$5,825	\$53,710
HASKELL	Paper	11	4,646	\$7,000	\$33,000.00	\$6,172	\$78,431
HAYS	Punch Card	35	73,683	\$7,000	\$105,000.00	\$97,881	\$406,215
HEMPHILL	Paper	9	2,412	\$7,000	\$27,000.00	\$5,000	\$64,071
HENDERSON	Optical Scan	31	55,426	\$7,000	\$93,000.00	\$73,628	\$333,629
HIDALGO	Optical Scan	95	368,461	\$9,000	\$285,000.00	\$489,467	\$1,550,662
HILL	Optical Scan	28	23,961	\$7,000	\$84,000.00	\$31,830	\$231,918
HOCKLEY	Optical Scan	16	16,098	\$7,000	\$48,000.00	\$21,385	\$138,924
HOOD	Votronic II	16	31,407	\$7,000	\$48,000.00	\$41,721	\$179,643
HOPKINS	Optical Scan	22	23,605	\$7,000	\$66,000.00	\$31,357	\$194,931
HOUSTON	Optical Scan	22	17,807	\$7,000	\$66,000.00	\$23,655	\$179,510
HOWARD	Punch Card	21	25,488	\$7,000	\$63,000.00	\$33,859	\$193,933
HUDSPETH	Paper	12	2,203	\$7,000	\$36,000.00	\$5,000	\$82,091
HUNT	Optical Scan	36	56,268	\$7,000	\$108,000.00	\$74,747	\$365,902
HUTCHINSON	Optical Scan	15	17,310	\$7,000	\$45,000.00	\$22,995	\$136,141
IRION	Paper	6	1,298	\$7,000	\$18,000.00	\$5,000	\$46,051
JACK	Paper	11	6,712	\$7,000	\$33,000.00	\$8,916	\$83,926
JACKSON	Paper	13	10,448	\$7,000	\$39,000.00	\$13,879	\$105,876
JASPER	Optical Scan	20	26,165	\$7,000	\$60,000.00	\$34,758	\$189,727
JEFF DAVIS	Paper	6	1,668	\$7,000	\$18,000.00	\$5,000	\$46,051
JEFFERSON	Punch Card	106	186,727	\$9,000	\$318,000.00	\$248,050	\$1,133,363
JIM HOGG	Optical Scan	5	3,613	\$7,000	\$15,000.00	\$5,000	\$40,045
JIM WELLS	Optical Scan	22	26,975	\$7,000	\$66,000.00	\$35,834	\$203,895
JOHNSON	Optical Scan	35	90,294	\$7,000	\$105,000.00	\$119,947	\$450,397
JONES	Optical Scan	16	16,111	\$7,000	\$48,000.00	\$21,402	\$138,959
KARNES	Optical Scan	22	12,081	\$7,000	\$66,000.00	\$16,049	\$164,280
KAUFMAN	Optical Scan	35	50,486	\$7,000	\$105,000.00	\$67,066	\$344,516
KENDALL	Optical Scan	12	17,277	\$7,000	\$36,000.00	\$22,951	\$118,033
KENEDY	Optical Scan	7	293	\$7,000	\$21,000.00	\$5,000	\$52,058
KENT	Paper	7	682	\$7,000	\$21,000.00	\$5,000	\$52,058
KERR	Optical Scan	17	33,760	\$7,000	\$51,000.00	\$44,847	\$191,908
KIMBLE	Paper	8	3,412	\$7,000	\$24,000.00	\$5,000	\$58,065
KING	Paper	5	236	\$7,000	\$15,000.00	\$5,000	\$40,045

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
KINNEY	Paper	5	2,511	\$7,000	\$15,000.00	\$5,000	200% FY03 Accessibility and Gen. HAVA Comp. Funding \$40,045
KLEBERG	Optical Scan	31	22,949	\$7,000	\$93,000.00	\$30,486	\$247,247
KNOX	Paper	11	3,073	\$7,000	\$33,000.00	\$5,000	\$76,085
LAMAR	Optical Scan	33	35,831	\$7,000	\$99,000.00	\$47,598	\$293,524
LAMB	Paper	13	10,353	\$7,000	\$39,000.00	\$13,753	\$105,624
LAMPASAS	Optical Scan	10	12,864	\$7,000	\$30,000.00	\$17,089	\$94,282
LASALLE	Optical Scan	7	4,143	\$7,000	\$21,000.00	\$5,504	\$53,066
LAVACA	Optical Scan	20	14,562	\$7,000	\$60,000.00	\$19,344	\$158,866
LEE	Paper	13	11,148	\$7,000	\$39,000.00	\$14,809	\$107,738
LEON	Optical Scan	15	11,610	\$7,000	\$45,000.00	\$15,423	\$120,980
LIBERTY	Optical Scan	30	50,777	\$7,000	\$90,000.00	\$67,453	\$315,257
LIMESTONE	Optical Scan	21	16,451	\$7,000	\$63,000.00	\$21,854	\$169,897
LIPSCOMB	Paper	10	2,214	\$7,000	\$30,000.00	\$5,000	\$70,078
LIVE OAK	Paper	15	9,570	\$7,000	\$45,000.00	\$12,713	\$115,555
LLANO	Optical Scan	13	14,333	\$7,000	\$39,000.00	\$19,040	\$116,210
LOVING	Paper	5	54	\$7,000	\$15,000.00	\$5,000	\$40,045
LUBBOCK	Optical Scan	94	180,367	\$9,000	\$282,000.00	\$239,601	\$1,044,366
LYNN	Paper	15	4,506	\$7,000	\$45,000.00	\$5,986	\$102,085
MADISON	Optical Scan	9	10,207	\$7,000	\$27,000.00	\$13,559	\$81,209
MARION	Paper	16	8,496	\$7,000	\$48,000.00	\$11,286	\$118,705
MARTIN	Paper	10	3,136	\$7,000	\$30,000.00	\$5,000	\$70,078
MASON	Optical Scan	9	2,902	\$7,000	\$27,000.00	\$5,000	\$64,071
MATAGORDA	Optical Scan	19	26,575	\$7,000	\$57,000.00	\$35,302	\$184,811
MAVERICK	Optical Scan	15	29,838	\$7,000	\$45,000.00	\$39,637	\$169,463
MCCULLOCH	Paper	11	6,019	\$7,000	\$33,000.00	\$7,996	\$82,083
MCLENNAN	Optical Scan	98	156,687	\$9,000	\$294,000.00	\$208,145	\$1,005,409
MCMULLEN	Paper	6	652	\$7,000	\$18,000.00	\$5,000	\$46,051
MEDINA	Optical Scan	24	27,925	\$7,000	\$72,000.00	\$37,096	\$218,435
MENARD	Paper	7	1,788	\$7,000	\$21,000.00	\$5,000	\$52,058
MIDLAND	Optical Scan	54	80,975	\$7,000	\$162,000.00	\$107,568	\$539,737
MILAM	Optical Scan	22	17,582	\$7,000	\$66,000.00	\$23,356	\$178,912
MILLS	Paper	11	3,835	\$7,000	\$33,000.00	\$5,094	\$76,274
MITCHELL	Paper	7	7,777	\$7,000	\$21,000.00	\$10,331	\$62,732
MONTAGUE	Optical Scan	15	14,528	\$7,000	\$45,000.00	\$19,299	\$128,742

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
MONTGOMERY	Optical Scan	73	207,036	\$9,000	\$219,000.00	\$275,029	200% FY03 Accessibility and Gen. HAVA Comp. Funding \$989,159
MOORE	Optical Scan	9	13,368	\$7,000	\$27,000.00	\$17,758	\$89,616
MORRIS	Optical Scan	11	9,759	\$7,000	\$33,000.00	\$12,964	\$92,030
MOTLEY	Paper	7	1,084	\$7,000	\$21,000.00	\$5,000	\$52,058
NACOGDOCHES	Optical Scan	29	44,995	\$7,000	\$87,000.00	\$59,772	\$93,871
NAVARRO	Optical Scan	35	32,830	\$7,000	\$105,000.00	\$43,612	\$297,555
NEWTON	Optical Scan	22	11,127	\$7,000	\$66,000.00	\$14,781	\$161,743
NOLAN	Optical Scan	10	11,521	\$7,000	\$30,000.00	\$15,305	\$90,710
NUYES	Optical Scan	123	224,528	\$9,000	\$369,000.00	\$298,265	\$1,336,019
OCHILTREE	Paper	5	6,254	\$7,000	\$15,000.00	\$8,308	\$46,688
OLDHAM	Paper	8	1,420	\$7,000	\$24,000.00	\$5,000	\$58,065
ORANGE	Optical Scan	30	61,783	\$7,000	\$90,000.00	\$82,073	\$344,530
PALO PINTO	Optical Scan	20	20,004	\$7,000	\$60,000.00	\$26,574	\$173,340
PANOLA	Optical Scan	22	17,015	\$7,000	\$66,000.00	\$22,603	\$177,403
PARKER	Optical Scan	34	64,139	\$7,000	\$102,000.00	\$85,203	\$374,823
PARMER	Optical Scan	10	6,721	\$7,000	\$30,000.00	\$9,928	\$77,943
PECOS	Optical Scan	10	12,160	\$7,000	\$30,000.00	\$16,153	\$92,410
POLK	Optical Scan	21	31,698	\$7,000	\$63,000.00	\$42,108	\$210,450
POTTER	Optical Scan	32	81,747	\$7,000	\$96,000.00	\$108,594	\$409,643
PRESIDIO	Paper	8	4,915	\$7,000	\$24,000.00	\$6,529	\$61,126
RAINS	Paper	8	6,968	\$7,000	\$24,000.00	\$9,256	\$66,587
RANDALL	Optical Scan	32	77,100	\$7,000	\$96,000.00	\$102,420	\$397,283
REAGAN	Paper	7	2,189	\$7,000	\$21,000.00	\$5,000	\$52,058
REAL	Paper	7	2,333	\$7,000	\$21,000.00	\$5,000	\$52,058
RED RIVER	Paper	26	10,900	\$7,000	\$78,000.00	\$14,480	\$185,166
REEVES	Punch Card	13	9,214	\$7,000	\$39,000.00	\$12,240	\$102,594
REFUGIO	Optical Scan	11	5,784	\$7,000	\$33,000.00	\$7,684	\$81,458
ROBERTS	Paper	6	665	\$7,000	\$18,000.00	\$5,000	\$46,051
ROBERTSON	Optical Scan	17	11,485	\$7,000	\$51,000.00	\$15,257	\$132,661
ROCKWALL	Optical Scan	14	30,127	\$7,000	\$42,000.00	\$40,021	\$164,225
RUNNELS	Paper	10	8,398	\$7,000	\$30,000.00	\$11,156	\$82,404
RUSK	Optical Scan	38	35,581	\$7,000	\$114,000.00	\$47,266	\$322,892
SABINE	Optical Scan	11	8,258	\$7,000	\$33,000.00	\$10,970	\$88,038
SAN AUGUSTINE	Optical Scan	12	6,822	\$7,000	\$36,000.00	\$9,062	\$90,225

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
SAN JACINTO	Optical Scan	12	16,647	\$7,000	\$36,000.00	\$22,114	200% FY03 Accessibility and Gen. HAVA Comp. Funding \$116,358
SAN PATRICIO	Optical Scan	34	46,260	\$7,000	\$102,000.00	\$61,452	\$327,269
SAN SABA	Optical Scan	8	4,460	\$7,000	\$24,000.00	\$5,925	\$59,916
SCHLEICHER	Paper	5	2,115	\$7,000	\$15,000.00	\$5,000	\$40,045
SCURRY	Optical Scan	12	12,245	\$7,000	\$36,000.00	\$16,266	\$104,649
SHACKELFORD	Paper	8	2,421	\$7,000	\$24,000.00	\$5,000	\$58,065
SHELBY	Optical Scan	15	18,518	\$7,000	\$45,000.00	\$24,599	\$139,354
SHERMAN	Paper	8	2,186	\$7,000	\$24,000.00	\$5,000	\$58,065
SMITH	Punch Card	72	128,208	\$9,000	\$216,000.00	\$170,313	\$773,487
SOMERVILLE	Paper	7	4,874	\$7,000	\$21,000.00	\$6,475	\$55,011
STARR	Optical Scan	11	33,555	\$7,000	\$33,000.00	\$44,575	\$155,323
STEPHENS	Optical Scan	11	7,313	\$7,000	\$33,000.00	\$9,715	\$85,525
STERLING	Paper	5	993	\$7,000	\$15,000.00	\$5,000	\$40,045
STONEWALL	Paper	10	1,307	\$7,000	\$30,000.00	\$5,000	\$70,078
SUTTON	Paper	6	2,904	\$7,000	\$18,000.00	\$5,000	\$46,051
SWISHER	Paper	11	6,040	\$7,000	\$33,000.00	\$8,024	\$82,139
TARRANT	Optical Scan	535	1,039,747	\$11,000	\$1,605,000.00	\$1,381,210	\$5,979,082
TAYLOR	Punch Card	39	92,895	\$7,000	\$117,000.00	\$123,403	\$481,342
TERRELL	Paper	5	794	\$7,000	\$15,000.00	\$5,000	\$40,045
TERRY	Optical Scan	9	9,143	\$7,000	\$27,000.00	\$12,146	\$78,379
THROCKMORTON	Paper	6	1,384	\$7,000	\$18,000.00	\$5,000	\$46,051
TITUS	Optical Scan	20	19,600	\$7,000	\$60,000.00	\$26,037	\$172,266
TOM GREEN	Optical Scan	60	76,879	\$7,000	\$180,000.00	\$102,127	\$564,883
TRAVIS	Optical Scan	230	619,336	\$11,000	\$690,000.00	\$822,732	\$3,028,838
TRINITY	Optical Scan	20	10,625	\$7,000	\$60,000.00	\$14,114	\$148,394
TYLER	Optical Scan	18	16,034	\$7,000	\$54,000.00	\$21,300	\$150,767
UPSHUR	Optical Scan	21	25,771	\$7,000	\$63,000.00	\$34,234	\$194,686
UPTON	DRE	7	2,406	\$7,000	\$21,000.00	\$5,000	\$52,058
UVALDE	Optical Scan	16	17,795	\$7,000	\$48,000.00	\$23,639	\$143,438
VAL VERDE	Optical Scan	21	30,474	\$7,000	\$63,000.00	\$40,482	\$207,195
VAN ZANDT	Optical Scan	29	35,841	\$7,000	\$87,000.00	\$47,612	\$269,523
VICTORIA	AVM	36	59,586	\$7,000	\$108,000.00	\$79,155	\$374,727
WALKER	Optical Scan	19	50,642	\$7,000	\$57,000.00	\$67,273	\$248,824
WALLER	Optical Scan	20	24,277	\$7,000	\$60,000.00	\$32,250	\$184,705

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FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	
WARD	Optical Scan	9	7,573	\$7,000	\$27,000.00	\$10,060	200% FY03 Accessibility and Gen. HAVA Comp. Funding
WASHINGTON	Optical Scan	22	22,868	\$7,000	\$66,000.00	\$30,378	\$74,203
WEBB	Optical Scan	42	123,255	\$9,000	\$126,000.00	\$163,733	\$192,971
WHARTON	Optical Scan	23	29,351	\$7,000	\$69,000.00	\$38,990	\$580,113
WHEELER	Paper	11	3,969	\$7,000	\$33,000.00	\$5,272	\$216,221
WICHITA	Punch Card	53	98,544	\$7,000	\$159,000.00	\$130,907	\$76,630
WILBARGER	Paper	13	10,582	\$7,000	\$39,000.00	\$14,057	\$580,460
WILLACY	Optical Scan	13	13,730	\$7,000	\$39,000.00	\$18,239	\$106,233
WILLIAMSON	Optical Scan	85	175,065	\$9,000	\$255,000.00	\$232,558	\$114,606
WILSON	Optical Scan	17	22,956	\$7,000	\$51,000.00	\$30,495	\$976,204
WINKLER	Optical Scan	6	5,033	\$7,000	\$18,000.00	\$6,686	\$163,172
WISE	Optical Scan	23	34,990	\$7,000	\$69,000.00	\$45,481	\$49,427
WOOD	Optical Scan	12	28,725	\$7,000	\$36,000.00	\$38,159	\$231,220
YOAKUM	Optical Scan	7	4,972	\$7,000	\$21,000.00	\$6,605	\$148,483
YOUNG	Paper	13	13,458	\$7,000	\$39,000.00	\$17,878	\$55,271
ZAPATA	Optical Scan	8	8,157	\$7,000	\$24,000.00	\$10,836	\$113,882
ZAVALA	Optical Scan	7	7,644	\$7,000	\$21,000.00	\$10,154	\$69,749
		8,586	14,965,061	\$1,834,000	\$25,758,000	\$20,000,000	\$62,378
							\$91,618,074

Chart D-Definitions of "Vote"	
Punch Card	<p>Current law-Section 127.130(d) of the Texas Election Code:</p> <p>(d) Subject to Subsection (e), in any manual count conducted under this code, a vote on a ballot on which a voter indicates a vote by punching a hole in the ballot may not be counted unless:</p> <p>(1) at least two corners of the chad are detached;</p> <p>(2) light is visible through the hole;</p> <p>(3) an indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote; or</p> <p>(4) the chad reflects by other means a clearly ascertainable intent of the voter to vote.</p> <p>(e) Subsection (d) does not supersede any clearly ascertainable intent of the voter.</p>
Optical Scan, Direct Recording Electronic, and Paper Ballot Systems	<p>Effective January 1, 2004, Section 65.009(d) of the Texas Election Code will provide:</p> <p>The intent of the voter in marking a ballot may be determined by: (1) a distinguishing mark adjacent to the name of a candidate or political party or a voting choice associated with a proposition; (2) an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a voting choice associated with a proposition; (3) a line drawn through: (A) the names of all candidates in a manner that indicates a preference for the candidates not marked if the names of the candidates not marked do not exceed the number of persons that may be elected to that office; (B) the name of each political party except one in a manner that clearly indicates a preference for the political party not marked; or (C) a voting choice associated with a proposition in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or (4) any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition.</p>

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**LETTER FROM TEXAS DEPARTMENT
OF PUBLIC SAFETY**

Senator Van de Putte submitted the following letter relating to SB 14:

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.txdps.state.tx.us



STEVEN C. McCRAW
DIRECTOR
LAMAR BECKWORTH
CHERYL MacBRIDE
DEPUTY DIRECTORS



COMMISSION
ALLAN B. POLUNSKY, CHAIR
ADA BROWN
JOHN STEEN
CARIN MARCY BARTH
A. CYNTHIA LEON

January 26, 2011

Dear Texas State Senators,

Please find attached the responses to Senate questions regarding the Department of Public Safety's administration of the Texas Driver License and Identification Card programs.

Thank you for the opportunity to serve as a resource witness to the Senate Committee of the Whole on January 25, 2011. The Department currently has 307 driver license offices that serve the over 15 million Texas driver license holders and over 750,000 identification card holders in Texas.

If you have any additional questions, please contact Rebecca Davio, Assistant Director for Driver Licenses at 512-424-5232 or Rebecca.davio@txdps.state.tx.us

Sincerely,

Steven C. McCraw
Director
Texas Department of Public Safety

EQUAL OPPORTUNITY EMPLOYER
COURTESY • SERVICE • PROTECTION

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Response to Questions from Senate Committee of the Whole**Please validate the map provided by Legislative Council.**

The Driver License Division has reviewed the map and determined that it is correct.

Please comment on the Department's 5% reduction and 10% proposed reduction in the Legislative Appropriations Request.

The Department lost \$14.6 million due to the 5% cut in General Revenue that we faced. This includes five Department offices that might have to close. These are not necessarily Driver License offices. The Department's 10% proposed reduction schedule identified that 11 DPS offices might have to close. These are not necessarily Driver License offices. They are offices with various Department services. The Business Intelligence Analysis project will identify the optimum placement of Driver License offices throughout the state. The Department also is not able to determine at this time how a reduction in funds will affect operating hours of Driver License offices.

Are there any anticipated closures of Driver License offices?

The Driver License Division is conducting a Business Intelligence Analysis to determine the most efficient ways to allocate scarce resources and to best serve Texas residents, statewide. At present, there are no anticipated closures. In the event there is an equipment failure in the future, we may consider temporarily closing a mobile office in the near term.

Does the Department have a comment on the Criminal Justice impact statement for SB 14?

The Department has no comment on the criminal justice impact statement as we are not the appropriate entity to comment on the potential overcrowding of jails.

Are there Driver License offices within the 610 loop?

No. The closest office to 610 is Dacoma. It is at 290 @ 610 North.

Driver License Offices and Hours in the Houston area

- Dacoma – 8-5 except Tuesday 8-7
- Gessner – 8-6 Tuesday and Thursday, 8-5 M, W, F
- Grant Road – 8-5 except Wednesday 8-7
- Townhurst – 8-5 except Thursday 8-7
- Winkler – 8-5 except Thursday 8-7
- Tidwell – 8-5 except Thursday 8-7
- Vantage Parkway – 8-5 except Tuesday 8-7
- We also have offices in Baytown, Humble, Pasadena, and Webster – all within Harris County

Driver License Offices and Hours in the DFW metro area**Dallas**

- Downtown – 8-5 – no exams, duplicates and renewals only (this office is in a City of Dallas building)
- East (Northwest Highway) – 8-5 except Wednesday 8-7

- Dallas Southwest (Red Bird Center Drive) – 8-5 except Wednesday 8-7
- We also have offices in Carrollton, Garland, Grand Prairie, Irving, and Cedar Hill – all within Dallas County

Fort Worth

- Woodway Drive – 7:30-5 except Monday 7:30-6
- We also have offices in Arlington, Hurst, and Lake Worth – all within Tarrant County

What is the protocol for confiscated licenses?

Texas Transportation Code §§ 524.011(b)(2) and (3), and 724.032(2) and (3) provide the requirements for a peace officer to confiscate a driver license where a driver is arrested for an alcohol related offense under the Administrative License Revocation program (ALR) in accordance to Section 49.04, 49.045, or 49.06, Penal Code, or an offense under Section 49.07 or 49.08 of that code involving the operation of a motor vehicle or watercraft. These statutes provide that the peace officer shall take possession of any driver license issued by this state and held by the person arrested, and issue a temporary driving permit to the person unless department records show or the officer otherwise determines that the person does not hold a driver's license to operate a motor vehicle in this state.

This permit (form DIC-25), handwritten by the peace officer, is part of the arrest documentation provided to the driver and contains the driver's name, driver license number, date of birth, address, physician description including race, sex, height, weight, eyes, and hair color. This temporary driving permit does not contain a photograph of the driver. A temporary driving provision issued under these sections of the Transportation Code expires on the 41st day after the date of issuance, which coincides with the effective date of the driver license suspension. Commercial drivers are issued a similar temporary permit (form DIC-57) however, the permit becomes effective beginning 24 hours from the time of arrest. The peace officer is required to forward the appropriate ALR paperwork with the confiscated license to the Department for processing. Upon completion of the suspension period, the driver license is returned to the driver. During the suspension period, the driver is eligible to make application for an identification card with a photograph during this suspension period.

How does the temporary driving permit that you receive when your license is confiscated differ from a "temporary driving permit" that you get when you apply for a Driver License?

A temporary driving permit issued by the Texas Highway Patrol is issued to drivers arrested for an alcohol related offense. This permit (form DIC-25) is part of the arrest documentation provided to the driver and contains the driver's name, driver license number, date of birth, address, physician description including race, sex, height, weight, eyes, and hair color. This temporary driving permit does not contain a photograph of the driver. This permit allows the driver to operate a motor vehicle in the interim period before the driver license suspension takes effect on the 41st day. This is in accordance to Texas Transportation Code Chapters 524 and 724.

A temporary driving permit issued by driver license personnel at a driver license office contains the same information that appears on a driver license including the driver license photograph of the applicant. This temporary driving permit is computer generated from the driver license system and expires within 45 days of issuance.

What will the DPS' policy be when a person enters a Driver License office seeking an ID for the purpose of voting, but they have outstanding Driver Responsibility surcharges on their Driver License?

A person's driver license status or surcharge status does not prohibit the ability of the person to obtain a Texas identification card, provided the person presents the appropriate identification documentation for the issuance of an identification card.

What is the current policy when a person with Driver Responsibility surcharges enters a Driver License office for a different transaction?

Each driver license office has an information desk which allows the customer to request specific services at that location. If a customer requests surcharge information while applying for a Texas identification card, the customer will be provided with contact information to customer service for additional assistance. The customer will be issued a Texas identification card provided the customer presents the appropriate identification documentation for the issuance of an identification card. Surcharges and request of an ID are two separate issues and will be treated as such.

What types of birth certificates does Driver License office recognize for the purpose of identification?

Every original applicant must present one piece of primary identification, or one piece of secondary identification plus two pieces of support identification; or two pieces of secondary identification. 37 Texas Administrative Code § 15.24 provides that the Department may accept secondary identification in the form of an original or certified original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency; an original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad); or an original or certified copy of court order with name and date of birth (DOB) indicating an official change of name and/or gender.

How many homebound IDs do we issue?

0.15% of ID applicants receive homebound service.

Only ID cards are issued through this process and we screen very closely to ensure there is not a practical way to serve the customer in the office as it requires taking an employee away from their regular duties serving customers in the driver license offices.

The need for a homebound visit is determined by the supervisor of the local driver license office. The Driver License Division has digital cameras that can capture the required image for the identification card. The applicant fills out a form LI-50, which includes a signature block along with the appropriate application for an original or renewed ID. Any necessary identification documents such as birth certificates are copied and returned to the applicant. All materials – photo, signature, and applications – are sent to the DL headquarters in Austin for processing.

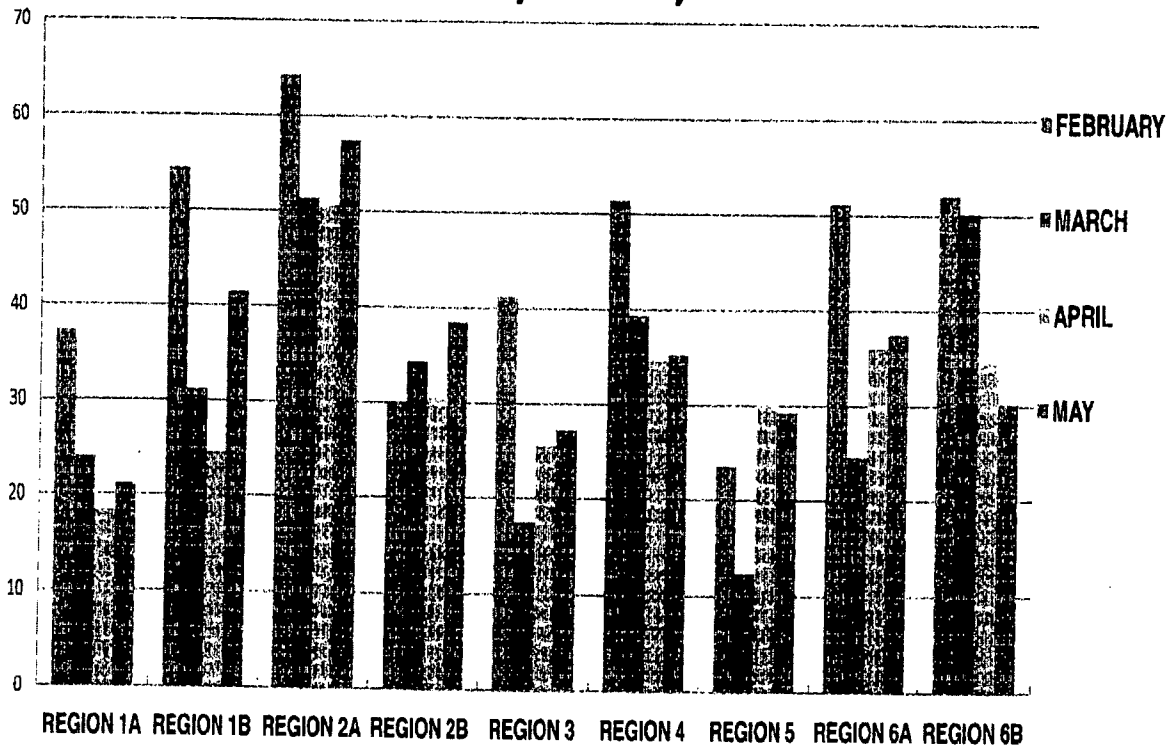
Provide an analysis on wait time in all Driver License offices:

Prior to November 2010, the Driver License Division conducted a study of all of its Driver License offices to determine wait time, process time and the average amount of time customers spend in Driver License offices. Please see the attachment "DL Wait Times".

Since November 2010, automated queuing systems are being installed our 50 busiest Driver License offices across the state. It is a priority for the Department to reduce wait time to no more than 40 minutes. The queuing system and its report function are important tools we will use to measure performance.



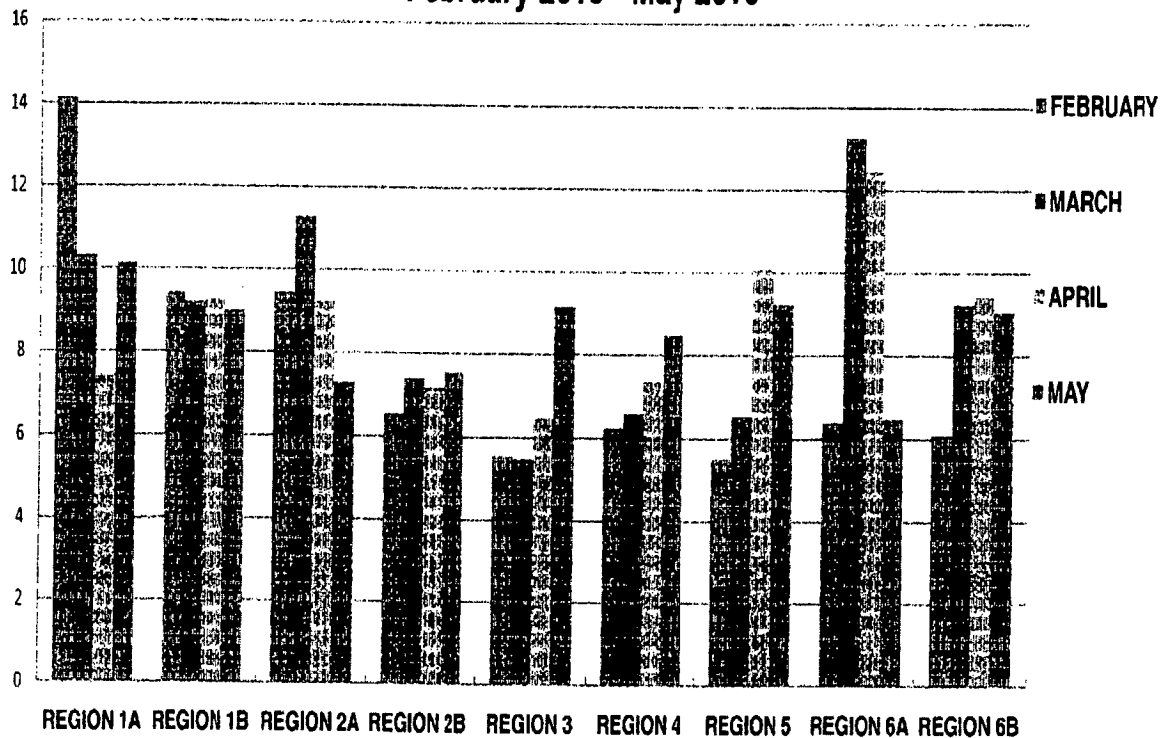
**Wait Time Survey (in minutes)
February 2010 - May 2010**



Wait time begins when a customer enters a DL facility and ends when the customer reaches the counter.



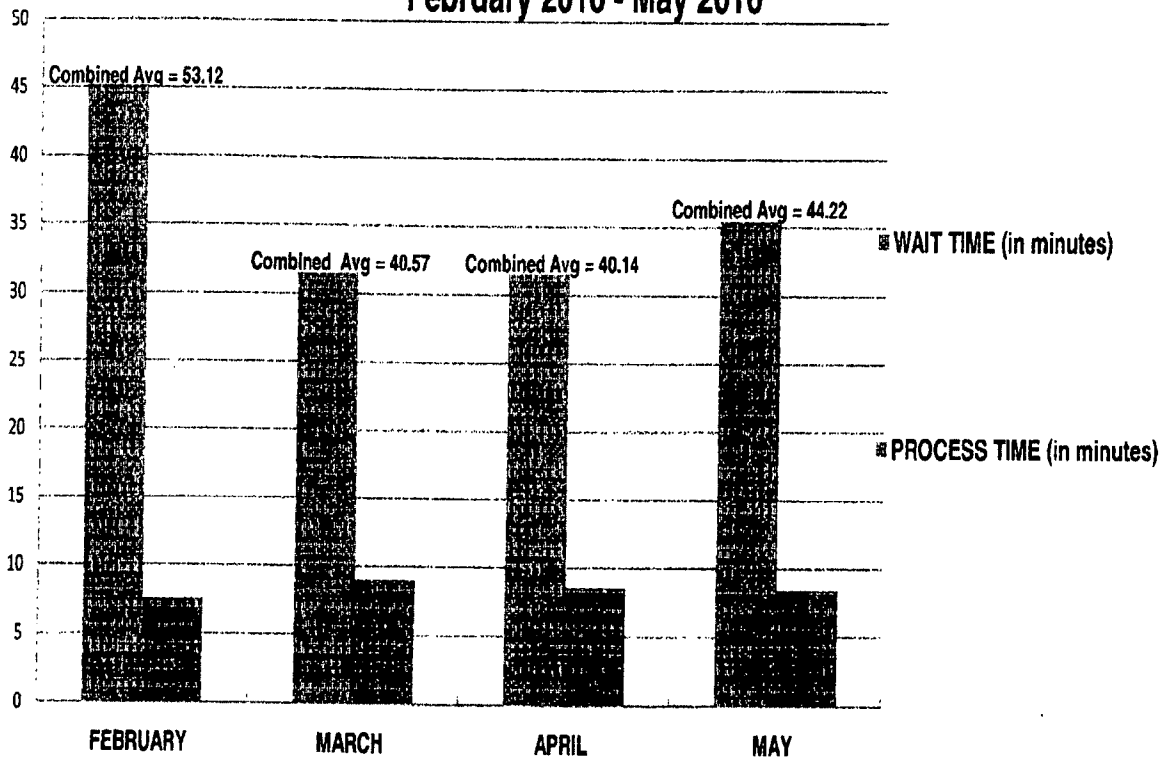
**Process Time Survey (in minutes)
February 2010 - May 2010**



Process time begins when a customer reaches the counter and ends when the transaction is complete.



Statewide Wait Time & Process Time Survey February 2010 - May 2010



County	Site Name	Office Closed	Date Closed	ADA Compliance
Anderson	Palestine	N	N/A	Y
Andrews	Andrews	N	N/A	Y
Angelina	Lufkin	N	N/A	Y
Archer	Archer City	Y	Apr-10	Y
Armstrong	Claude	Y	Oct-10	Y
Atascosa	Jourdanton	N	N/A	N
Austin	Bellville	Y	Dec-10	Y
Austin	Sealy	Y	Jan-11	Y
Bailey	Muleshoe	N	N/A	Y
Bandera	Bandera	Y	Jun-08	Y
Bastrop	Bastrop	N	N/A	Y
Bastrop	Elgin	Y	Oct-10	Y
Baylor	Seymour	N	N/A	Y
Bee	Beeville	N	N/A	Y
Bell	Fort Hood	N	N/A	Y
Bell	Killeen	N	N/A	N
Bell	Temple	N	N/A	Y
Bexar	S.A. - General McMullen	N	N/A	Y
Bexar	San Antonio - Babcock	N	N/A	Y
Bexar	San Antonio - District	N	N/A	Y
Bexar	San Antonio Pat Booker Rd	N	N/A	Y
Blanco	Johnson City	N	N/A	Y
Borden	Gail	Y	Jun-10	Y
Bosque	Meridian	N	N/A	Y
Bowie	New Boston	N	N/A	Y
Bowie	Texarkana	N	N/A	Y
Brazoria	Alvin	N	N/A	Y
Brazoria	Angleton	N	N/A	Y
Brazos	Bryan	N	N/A	Y
Brewster	Alpine	N	N/A	Y
Briscoe	Silverton	Y	Unk	Y
Brooks	Falfurrias	N	N/A	Y
Brown	Brownwood	N	N/A	Y
Burleson	Caldwell	Y	N/A	Y
Burnet	Burnet	N	N/A	Y
Burnet	Marble Falls	N	N/A	Y
Caldwell	Lockhart	Y	Oct-10	Y
Calhoun	Port Lavaca	N	N/A	Y
Callahan	Baird	N	N/A	Y
Callahan	Cross Plains	Y	Apr-05	Y
Cameron	Brownsville	N	N/A	Y
Cameron	Harlingen	N	N/A	Y
Cameron	Port Isabel	Y	Jan-11	Y
Camp	Pittsburg	Y	Jun-10	Y
Carson	Panhandle	N	N/A	Y
Cass	Atlanta	N	N/A	Y
Castro	Dimmitt	N	N/A	Y
Chambers	Wallisville	N	N/A	Y

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County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Cherokee	Jacksonville	N	N/A	Y
Cherokee	Rusk	N	N/A	Y
Childress	Childress	N	N/A	Y
Clay	Henrietta	Y	Feb-07	Y
Cochran	Morton	Y	Nov-10	Y
Coke	Robert Lee	Y	May-10	Y
Coleman	Coleman	N	N/A	Y
Collin	McKinney	N	N/A	Y
Collin	Plano	N	N/A	Y
Collingsworth	Wellington	Y	Jun-07	Y
Colorado	Columbus	N	N/A	N
Comal	New Braunfels	N	N/A	Y
Comanche	Comanche	N	N/A	Y
Concho	Eden	Y	Dec-10	Y
Cooke	Gainesville	N	N/A	Y
Coryell	Copperas Cove	N	N/A	Y
Coryell	Gatesville	N	N/A	Y
Cottle	Paducah	Y	Jun-07	Y
Crane	Crane	N	N/A	Y
Crockett	Ozona	Y	Dec-10	Y
Crosby	Crosbyton	N	N/A	Y
Culberson	Van Horn	N	N/A	Y
Dallam	Dahart	N	N/A	Y
Dallas	Carrollton	N	N/A	Y
Dallas	Cedar Hill	N	N/A	Y
Dallas	Dallas - Downtown	N	N/A	Y
Dallas	Dallas - East	N	N/A	Y
Dallas	Dallas - Southwest	N	N/A	Y
Dallas	Garland	N	N/A	Y
Dallas	Grand Prairie	N	N/A	Y
Dallas	Irving	N	N/A	Y
Dawson	Lamesa	N	N/A	Y
Deaf Smith	Hereford	N	N/A	Y
Delta	Cooper	Y	Dec-09	Y
Denton	Denton	N	N/A	Y
Denton	Lewisville	N	N/A	Y
Dewitt	Cuero	N	N/A	Y
Dickens	Spur	Y	Unk	Y
Donley	Clarendon	N	N/A	Y
Duval	Freer	Y	Jan-06	Y
Eastland	Eastland	N	N/A	Y
Ector	Odessa	N	N/A	Y
Edwards	Rocksprings	N	N/A	Y
El Paso	El Paso - Gateway	N	N/A	Y
El Paso	El Paso - Hondo Pass	N	N/A	Y
El Paso	El Paso - Northwest	N	N/A	Y
El Paso	El Paso - Scott Simpson	N	N/A	Y
El Paso	Fort Bliss	N	N/A	N

JA_001419

TX_00204902

County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Ellis	Waxahachie	N	N/A	Y
Erath	Stephenville	N	N/A	Y
Fannin	Bonham	N	N/A	Y
Fayette	La Grange	Y	Jan-09	Y
Fayette	Schulenburg	Y	Jan-09	Y
Fisher	Roby	N	N/A	Y
Floyd	Floyddale	N	N/A	Y
Foard	Crowell	Y	Jun-07	Y
Fort Bend	Rosenberg	N	N/A	Y
Franklin	Mount Vernon	Y	Jun-05	Y
Freestone	Fairfield	N	N/A	Y
Frio	Pearsall	Y	Oct-10	Y
Gaines	Seminole	N	N/A	Y
Galveston	Galveston	N	N/A	Y
Galveston	Texas City	N	N/A	Y
Garza	Post	Y	Nov-10	Y
Gillespie	Fredericksburg	N	N/A	Y
Glasscock	Garden City	Y	Jun-10	Y
Goliad	Goliad	Y	Dec-10	Y
Gonzales	Gonzales	N	N/A	Y
Gray	Pampa	N	N/A	Y
Grayson	Sherman	N	N/A	Y
Gregg	Longview	N	N/A	Y
Grimes	Navasota	Y	Jan-11	Y
Guadalupe	Sequin	N	N/A	Y
Hale	Plainview	N	N/A	Y
Hall	Memphis	Y	Jun-07	Y
Hamilton	Hamilton	N	N/A	Y
Hansford	Spearman	Y	Apr-10	Y
Hardeman	Quanah	N	N/A	Y
Hardin	Kountze	N	N/A	Y
Harris	Houston - Dacoma	N	N/A	Y
Harris	Houston - Gessner	N	N/A	Y
Harris	Houston - Grant Road	N	N/A	Y
Harris	Houston - Townhurst	N	N/A	Y
Harris	Houston - Vantage Pkwy	N	N/A	Y
Harris	Katy	Y	Unk	Y
Harris	Baytown	N	N/A	Y
Harris	Clear Lake	N	N/A	Y
Harris	Houston - Tidwell	N	N/A	Y
Harris	Houston - Winkler	N	N/A	Y
Harris	Humble	N	N/A	Y
Harris	Pasadena	N	N/A	Y
Harrison	Marshall	N	N/A	Y
Hartley	Channing	Y	Oct-10	Y
Haskell	Haskell	N	N/A	Y
Hays	San Marcos	N	N/A	Y

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County	Site Name	Cases Closed	Date Cases Closed	ADA Compliance
Hemphill	Canadian	N	N/A	Y
Henderson	Athens	N	N/A	Y
Hidalgo	McAllen	N	N/A	Y
Hidalgo	Edinburg	N	N/A	Y
Hidalgo	Mission	N	N/A	Y
Hidalgo	Weslaco	N	N/A	N
Hill	Hillsboro	N	N/A	Y
Hockley	Levelland	N	N/A	N
Hood	Granbury	N	N/A	Y
Hopkins	Sulphur Springs	N	N/A	Y
Houston	Crockett	N	N/A	Y
Howard	Big Spring	N	N/A	Y
Hudspeth	Dell City	Y	Nov-10	Y
Hudspeth	Sierra Blanca	Y	Nov-10	Y
Hunt	Greenville	N	N/A	Y
Hutchinson	Borger	N	N/A	Y
Irion	Merizon	Y	Dec-10	Y
Jack	Jacksboro	Y	Sep-09	Y
Jackson	Edna	N	N/A	Y
Jasper	Jasper	N	N/A	Y
Jeff Davis	Fort Davis	Y	Sep-10	Y
Jefferson	Beaumont	N	N/A	Y
Jefferson	Port Arthur	N	N/A	Y
Jim Hogg	Hebbronville	Y	Jul-10	Y
Jim Wells	Alice	N	N/A	Y
Johnson	Cleburne	N	N/A	Y
Jones	Anson	N	N/A	Y
Karnes	Karnes City	Y	Apr-10	Y
Kaufman	Terrell	N	N/A	Y
Kendall	Boerne	N	N/A	Y
Kent	Jayton	Y	Sep-09	Y
Kerr	Kerrville	N	N/A	Y
Kimble	Junction	Y	Dec-10	Y
Kinney	Bracketville	Y	Dec-09	Y
Kleberg	Kingsville	N	N/A	Y
Knox	Munday	N	N/A	Y
La Salle	Cotulla	Y	Oct-09	Y
Lamar	Paris	N	N/A	Y
Lamb	Littlefield	N	N/A	Y
Lampasas	Lampasas	N	N/A	Y
Lavaca	Hallettsville	N	N/A	Y
Lee	Giddings	Y	Oct-10	Y
Leon	Centerville	N	N/A	Y
Liberty	Cleveland	N	N/A	Y
Liberty	Liberty	N	N/A	Y
Limestone	Groesbeck	N	N/A	Y

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TX_00204904

County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Lipscomb	Follett	Y	Apr-10	N
Lipscomb	Higgins	Y	Apr-10	Y
Live Oak	George West	N	N/A	Y
Llano	Llano	N	N/A	Y
Lubbock	Lubbock	N	N/A	Y
Lubbock	Slaton	Y	Nov-10	N
Lynn	Tahoka	Y	Nov-10	Y
Madison	Madisonville	Y	N/A	Y
Martin	Stanton	N	N/A	Y
Mason	Mason	Y	Oct-10	Y
Matagorda	Bay City	N	N/A	Y
Matagorda	Palacios	Y	Jan-11	Y
Maverick	Eagle Pass	N	N/A	Y
McCulloch	Brady	N	N/A	Y
McLennan	Waco	N	N/A	Y
McMullen	Tilden	Y	Jan-11	Y
Medina	Hondo	N	N/A	Y
Menard	Menard	Y	Dec-10	N
Midland	Midland	N	N/A	Y
Milam	Cameron	N	N/A	Y
Mills	Goldthwaite	N	N/A	Y
Mitchell	Colorado City	N	N/A	Y
Montague	Bowie	N	N/A	Y
Montague	Nocona	Y	Feb-07	Y
Montgomery	Conroe	N	N/A	Y
Moore	Dumas	N	N/A	Y
Morris	Daingerfield	N	N/A	Y
Motley	Matador	Y	Jan-10	Y
Nacogdoches	Nacogdoches	N	N/A	Y
Navarro	Consicana	N	N/A	Y
Nolan	Sweetwater	N	N/A	Y
Nueces	Corpus Christi	N	N/A	Y
Ochiltree	Perryton	N	N/A	Y
Odham	Vega	Y	Feb-10	Y
Orange	Orange	N	N/A	Y
Palo Pinto	Mineral Wells	N	N/A	Y
Panola	Carthage	N	N/A	Y
Parker	Weatherford	N	N/A	Y
Parmer	Ft.ona	N	N/A	Y
Pecos	Fort Stockton	N	N/A	Y
Pecos	Iraan	Y	Dec-10	Y
Polk	Livingston	N	N/A	Y
Presidio	Marfa	N	N/A	Y
Presidio	Presidio	N	N/A	Y
Raines	Emory	Y	Oct-10	Y
Randall	Amarillo	N	N/A	Y
Reagan	Big Lake	N	N/A	Y

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County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Real	Leakey	Y	May-10	Y
Red River	Clarksville	N	N/A	Y
Reeves	Pecos	N	N/A	Y
Refugio	Refugio	Y	Sep-10	Y
Roberts	Miami	Y	Mar-07	Y
Robertson	Heame	Y	Unk	Y
Rockwall	Rockwall	N	N/A	Y
Runnels	Ballinger	N	N/A	Y
Rusk	Henderson	N	N/A	Y
Sabine	Hemphill	Y	Jun-05	Y
San Jacinto	Coldspring	Y	Jun-05	Y
San Patricio	Aransas Pass	N	N/A	Y
San Patricio	Sinton	N	N/A	Y
San Saba	San Saba	Y	Oct-10	Y
Schleicher	Eldorado	Y	Dec-10	Y
Scurry	Snyder	N	N/A	Y
Shackelford	Albany	Y	Jun-05	Y
Shelby	Center	N	N/A	Y
Sherman	Stratford	Y	Oct-10	Y
Smith	Tyler	N	N/A	Y
Starr	Rio Grande City	N	N/A	Y
Stephens	Breckenridge	N	N/A	Y
Sterling	Sterling City	Y	Jun-10	Y
Stonewall	Aspermont	Y	Sep-09	Y
Sutton	Sonora	N	N/A	Y
Swisher	Tulia	N	N/A	Y
Tarrant	Arlington	N	N/A	Y
Tarrant	Fort Worth	N	N/A	Y
Tarrant	Hurst	N	N/A	Y
Tarrant	Lake Worth	N	N/A	Y
Taylor	Abilene	N	N/A	Y
Terrell	Sanderson	Y	Nov-10	Y
Terry	Brownfield	N	N/A	Y
Throckmorton	Throckmorton	Y	Aug-09	Y
Titus	Mount Pleasant	N	N/A	Y
Tom Green	San Angelo	N	N/A	Y
Travis	Austin - Capitol	N	N/A	Y
Travis	Austin - Denson	N	N/A	Y
Travis	Austin - North	N	N/A	Y
Travis	Austin - South Congress	N	N/A	Y
Trinity	Trinity	Y	Jun-05	Y
Tyler	Woodville	N	N/A	Y
Upshur	Gilmer	N	N/A	Y
Upton	McCombs	Y	Dec-10	Y
Upton	Rankin	Y	Dec-10	Y
Uvalde	Uvalde	N	N/A	Y
Val Verde	Del Rio	N	N/A	Y
Van Zandt	Canton	N	N/A	Y

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TX_00204906

County	Site Name	Office Closed	Date Office is Closed	ADA Compliance
Victoria	Victoria	N	N/A	Y
Walker	Huntsville	N	N/A	Y
Waller	Hempstead	N	N/A	Y
Ward	Monahans	N	N/A	Y
Washington	Brenham	N	N/A	Y
Webb	Laredo	N	N/A	Y
Wharton	Pierce	N	N/A	Y
Wheeler	Shamrock	N	N/A	Y
Wheeler	Wheeler	Y	Mar-07	Y
Wichita	Wichita Falls	N	N/A	Y
Wilbarger	Vernon	N	N/A	Y
Williamson	Austin - Northwest	N	N/A	Y
Williamson	Georgetown	N	N/A	Y
Williamson	Taylor	N	N/A	Y
Wilson	Floresville	N	N/A	Y
Winkler	Kermit	N	N/A	Y
Wise	Decatur	N	N/A	Y
Wood	Quitman	N	N/A	N
Yoakum	Denver City	N	N/A	N
Young	Graham	N	N/A	Y
Young	Olney	Y	Aug-09	Y
Zapata	Zapata	N	N/A	Y
Zavala	Crystal City	N	N/A	Y

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DL Offices Closed

Region	Site Name	County	Type of Office FT PT M	Office C losed	Date Office Closed
5	Archer City	Archer	M	Y	Apr-10
5	Claude	Armstrong	M	Y	Oct-10
2A	Bellville	Austin	M	Y	Dec-10
2A	Sealy	Austin	M	Y	Jan-11
6A	Bandera	Bandera	M	Y	Jun-08
6A	Elgin	Bastrop	M	Y	Oct-10
4	Gail	Borden	M	Y	Jun-10
5	Silverton	Briscoe	M	Y	Unk
2A	Caldwell	Burleson	M	Y	Unk
6A	Lockhart	Caldwell	M	Y	Oct-10
3	Cross Plains	Callahan	M	Y	Apr-07
5	San Isabel	Cameron	M	Y	Jun-11
1A	Pittsburg	Camp	M	Y	Jun-10
5	Henrietta	Clay	M	Y	Feb-07
5	Morton	Cochran	M	Y	Nov-10
4	Robert Lee	Coke	M	Y	May-10
5	Wellington	Collingsworth	M	Y	Jun-07
4	Eden	Concho	M	Y	Dec-10
5	Paducah	Cottle	M	Y	Jun-07
4	Ozona	Crockett	M	Y	Dec-10
1A	Cooper	Delta	M	Y	Dec-09
5	Spur	Dickens	M	Y	Unk
3	Freer	Duval	M	Y	Jan-06
6A	La Grange	Fayette	M	Y	Jan-09
6A	Schulenburg	Fayette	M	Y	Jan-09
5	Crowell	Foard	M	Y	Jun-07
1A	Mt Vernon	Franklin	M	Y	Jun-05
6A	Pearsall	Frio	M	Y	Oct-10
5	Post	Garza	M	Y	Nov-10
4	Garden City	Glasscock	M	Y	Jun-10
6A	Goliad	Goliad	M	Y	Dec-10
2A	Navasota	Grimes	M	Y	Jan-11
5	Memphis	Hall	M	Y	Jun-07
5	Spearman	Hansford	M	Y	Apr-10

DL Offices Closed

2A	Katy	Harris	FT	Y	
5	Channing	Hartley	M	Y	Oct-10
4	Dell City	Hudspeth	M	Y	Nov-10
4	Sierra Blanca	Hudspeth	M	Y	Nov-10
4	Mertzon	Irion	M	Y	Dec-10
5	Jacksboro	Jack	M	Y	Sep-09
4	Fort Davis	Jeff Davis	M	Y	Sep-10
3	Hebbronville	Jim Hogg	M	Y	Jul-10
6A	Karnes City	Karnes	M	Y	Apr-10
5	Jayton	Kent	M	Y	Sep-09
4	Junction	Kimble	M	Y	Dec-10
3	Bracketville	Kinney	M	Y	Dec-09
3	Cotulla	La Salle	M	Y	Oct-09
6A	Giddings	Lee	M	Y	Oct-10
5	Follett	Lipscomb	M	Y	Apr-10
5	Higgins	Lipscomb	M	Y	Apr-10
5	Slaton	Lubbock	M	Y	Nov-10
5	Tahoka	Lynn	M	Y	Nov-10
2A	Madisonville	Madison	PT	Y	Unk
4	Mason	Mason	M	Y	Oct-10
2A	Palacios	Matagorda	M	Y	Jan-11
3	Tilden	McMullen	M	Y	Jan-11
4	Menard	Menard	M	Y	Dec-10
5	Nocona	Montague	M	Y	Feb-10
5	Matador	Motley	M	Y	Jan-10
5	Vega	Oldham	M	Y	Feb-10
4	Iran	Pecos	M	Y	Dec-10
1A	Emory	Raines	PT	Y	Oct-10
3	Leakey	Real	M	Y	May-10
3	Refugio	Refugio	M	Y	Sep-10
5	Miami	Roberts	M	Y	Mar-07
2A	Hearne	Robertson	M	Y	Unk
2B	Hemphill	Sabine	M	Y	Jun-05
2B	Coldspring	San Jacinto	M	Y	Jun-05
6B	San Saba	San Saba	M	Y	Oct-10

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DL Offices Closed

4	Eldorado	Schleicher	M	Y	Dec-10
5	Albany	Shackelford	M	Y	Jun-05
5	Stratford	Sherman	M	Y	Oct-10
4	Sterling City	Sterling	M	Y	Jun-10
5	Aspermont	Stonewall	M	Y	Sep-09
4	Sanderson	Terrell	M	Y	Nov-10
5	Throckmorton	Throckmorton	M	Y	Aug-09
2B	Trinity	Trinity	M	Y	Jun-05
4	McCombs	Upton	M	Y	Dec-10
4	Rankin	Upton	M	Y	Dec-10
5	Wheeler	Wheeler	M	Y	Mar-07
5	Olney	Young	M	Y	Aug-09

Counties with no DL offices.

Region	County
3	Aransas
3	Dimmit
6B	Falls
3	Kenedy
5	King
4	Loving
1A	Marion
2B	Newton
5	Potter
2B	San Augustine
1B	Somervell
3	Willacy

Total Offices	307
Full Time Office Open	174
Part Time Office Open	34
Mobile Office Open	18
Full Time Office Closed	1
Part Time Office Closed	2
Mobile Office Closed	78
Counties w/ No Offices	65 +12=77

DL Offices Closed by the Counties still have DL offices in Texas Counties
Counties with no DL offices
Duplications

SENATE CONCURRENT RESOLUTION 8

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

WHITMIRE

SCR 8 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 8:53 p.m. adjourned until 1:30 p.m. Monday, January 31, 2011.

By: Fraser, et al.

S.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to requirements to vote, including presenting proof of
identification; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by
adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption on the
basis of disability from the requirements of Section 63.001(b) must
include a certification from a physician that the person has a
disability as defined by Section 21.002, Labor Code, with the
person's application.

SECTION 2. Section 15.001, Election Code, is amended by
adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the
certification requirements of Section 13.002(i) must contain an
indication that the voter is exempt from the requirement to present
identification other than the registration certificate before
being accepted for voting.

SECTION 3. Subchapter A, Chapter 15, Election Code, is
amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

(a) The voter registrar of each county shall provide notice of the
identification requirements for voting prescribed by Chapter 63 and
a detailed description of those requirements with each voter

S.B. No. 14

1 registration certificate issued under Section 13.142 or renewal
2 registration certificate issued under Section 14.001.

3 (b) The secretary of state shall prescribe the wording of
4 the notice to be included on the certificate under this section.

5 SECTION 4. Subsection (a), Section 15.022, Election Code,
6 is amended to read as follows:

7 (a) The registrar shall make the appropriate corrections in
8 the registration records, including, if necessary, deleting a
9 voter's name from the suspense list:

10 (1) after receipt of a notice of a change in
11 registration information under Section 15.021;

12 (2) after receipt of a voter's reply to a notice of
13 investigation given under Section 16.033;

14 (3) after receipt of a registration omissions list and
15 any affidavits executed under Section 63.006 [~~63.007~~], following an
16 election;

17 (4) after receipt of a voter's statement of residence
18 executed under Section 63.0011;

19 (5) before the effective date of the abolishment of a
20 county election precinct or a change in its boundary;

21 (6) after receipt of United States Postal Service
22 information indicating an address reclassification;

23 (7) after receipt of a voter's response under Section
24 15.053; or

25 (8) after receipt of a registration application or
26 change of address under Chapter 20.

27 SECTION 5. Subchapter A, Chapter 31, Election Code, is

S.B. No. 14

1 amended by adding Section 31.012 to read as follows:

2 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
3 secretary of state and the voter registrar of each county that
4 maintains a website shall provide notice of the identification
5 requirements for voting prescribed by Chapter 63 on each entity's
6 respective website in each language in which voter registration
7 materials are available. The secretary of state shall prescribe
8 the wording of the notice to be included on the websites.

9 (b) The secretary of state shall conduct a statewide effort
10 to educate voters regarding the identification requirements for
11 voting prescribed by Chapter 63.

12 (c) The county clerk of each county shall post in a
13 prominent location at the clerk's office a physical copy of the
14 notice prescribed under Subsection (a) in each language in which
15 voter registration materials are available.

16 SECTION 6. Section 32.111, Election Code, is amended by
17 adding Subsection (c) to read as follows:

18 (c) The training standards adopted under Subsection (a)
19 must include provisions on the acceptance and handling of the
20 identification presented by a voter to an election officer under
21 Section 63.001.

22 SECTION 7. Subsection (a), Section 32.114, Election Code,
23 is amended to read as follows:

24 (a) The county clerk shall provide one or more sessions of
25 training using the standardized training program and materials
26 developed and provided by the secretary of state under Section
27 32.111 for the election judges and clerks appointed to serve in

S.B. No. 14

elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The notice and list must be printed using a font that is at least 24-point. The notices required under this section shall be posted separately from all other notices required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Except as provided by Subsection (h), on [On] offering to vote, a voter must present to an election officer at the polling place one form of identification listed in Section 63.0101 [the voter's voter registration certificate to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a registration certificate], an election officer shall determine whether the voter's name on the documentation [registration certificate] is on the list of registered voters for the precinct. If in determining whether a voter's name is on the

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1 list of registered voters the election officer determines that the
 2 voter's name on the documentation is substantially similar but does
 3 not match exactly the name on the list, the voter shall be accepted
 4 for voting as otherwise required by this section if the voter
 5 submits an affidavit stating that the voter is the person on the
 6 list of registered voters.

7 (d) If the voter's name is on the precinct list of
 8 registered voters and the voter's identity can be verified from the
 9 documentation presented under Subsection (b), the voter shall be
 10 accepted for voting.

11 (f) After determining whether to accept a voter, an election
 12 officer shall return the voter's documentation [~~registration~~
 13 ~~certificate~~] to the voter.

14 (g) If the requirements for identification prescribed by
 15 Subsection (b) are not met, the voter may be accepted for
 16 provisional voting only under Section 63.011. For a voter who is
 17 not accepted for voting under this section, an election officer
 18 shall:

19 (1) inform the voter of the voter's right to cast a
 20 provisional ballot under Section 63.011; and

21 (2) provide the voter with written information, in a
 22 form prescribed by the secretary of state, that:

23 (A) lists the requirements for identification;

24 (B) states the procedure for presenting
 25 identification under Section 65.0541;

26 (C) includes a map showing the location where
 27 identification must be presented; and

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1 (D) includes notice that even if all procedures
 2 are followed, there is no guarantee that a provisional ballot will
 3 be accepted.

4 (h) The requirements for identification prescribed by
 5 Subsection (b) do not apply to a voter who presents the voter's
 6 voter registration certificate on offering to vote and:

7 (1) was 70 years of age or older on January 1, 2012, as
 8 indicated by the date of birth on the voter's voter registration
 9 certificate; or

10 (2) is disabled and the voter's voter registration
 11 certificate contains the indication described by Section
 12 15.001(c).

13 SECTION 10. Subsection (a), Section 63.0011, Election Code,
 14 is amended to read as follows:

15 (a) Before a voter may be accepted for voting, an election
 16 officer shall ask the voter if the voter's residence address on the
 17 precinct list of registered voters is current and whether the voter
 18 has changed residence within the county. If the voter's address is
 19 omitted from the precinct list under Section 18.005(c), the officer
 20 shall ask the voter if the voter's residence, if [as] listed, on
 21 identification presented by the voter under Section 63.001(b) [the
 22 voter's voter registration certificate] is current and whether the
 23 voter has changed residence within the county.

24 SECTION 11. Chapter 63, Election Code, is amended by adding
 25 Section 63.0012 to read as follows:

26 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO
 27 CERTAIN VOTERS. (a) An election officer shall distribute written

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1 notice of the identification that will be required to vote in
 2 elections held after January 1, 2012, and information on obtaining
 3 identification without a fee under Section 521.422, Transportation
 4 Code, to each voter who, when offering to vote, presents a form of
 5 identification that will not be sufficient for acceptance as a
 6 voter under this chapter beginning with those elections.

7 (b) The secretary of state shall prescribe the wording of
 8 the notice and establish guidelines for distributing the notice.

9 (c) This section expires September 1, 2017.

10 SECTION 12. Section 63.006, Election Code, is amended to
 11 read as follows:

12 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~
 13 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
 14 vote, presents the documentation required under Section 63.001(b)
 15 ~~[a voter registration certificate indicating that the voter is~~
 16 ~~currently registered in the precinct in which the voter is offering~~
 17 ~~to vote]~~, but whose name is not on the precinct list of registered
 18 voters, shall be accepted for voting if the voter also presents a
 19 voter registration certificate indicating that the voter is
 20 currently registered:

21 (1) in the precinct in which the voter is offering to
 22 vote; or

23 (2) in a different precinct from the one in which the
 24 voter is offering to vote and the voter executes an affidavit
 25 stating that the voter:

26 (A)(i) is a resident of the precinct in which the
 27 voter is offering to vote or is otherwise entitled by law to vote in

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1 that precinct; or

2 (ii) was a resident of the precinct in which
3 the voter is offering to vote at the time the information on the
4 voter's residence address was last provided to the voter registrar;

5 (B) did not deliberately provide false
6 information to secure registration in a precinct in which the voter
7 does not reside; and

8 (C) is voting only once in the election.

9 (b) After the voter is accepted, an election officer shall:

10 (1) indicate beside the voter's name on the poll list
11 that the voter was accepted under this section; and

12 (2) if applicable, enter on the registration omissions
13 list the precinct of the voter's registration as indicated by the
14 voter's registration certificate.

15 SECTION 13. Section 63.009, Election Code, is amended to
16 read as follows:

17 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
18 A [(a) Except as provided by Subsection (b), a] voter who does not
19 present a voter registration certificate when offering to vote, and
20 whose name is not on the list of registered voters for the precinct
21 in which the voter is offering to vote, shall be accepted for
22 provisional voting if the voter executes an affidavit in accordance
23 with Section 63.011.

24 ~~[(b) If an election officer can determine from the voter~~
25 ~~registrar that the person is a registered voter of the county and~~
26 ~~the person presents proof of identification, the affidavits~~
27 ~~required by Sections 63.007 and 63.008 are substituted for the~~

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~~affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]~~

SECTION 14. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form ~~[as proof]~~ of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not ~~[or a similar document issued to the person by an agency of another state, regardless of whether the license or card has]~~ expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation ~~[form of identification containing the person's photograph that establishes the person's identity];~~

(3) a ~~[birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity,~~

~~[(4)]~~ United States citizenship certificate ~~[papers]~~ issued to the person that contains the person's photograph;

(4) [(5)] a United States passport issued to the person that has not expired or that expired no earlier than 60 days

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1 before the date of presentation; or

2 (5) a license to carry a concealed handgun issued to
 3 the person by the Department of Public Safety

4 ~~[(6) official mail addressed to the person by name~~
 5 ~~from a governmental entity;~~

6 ~~[(7) a copy of a current utility bill, bank statement,~~
 7 ~~government check, paycheck, or other government document that shows~~
 8 ~~the name and address of the voter; or~~

9 ~~[(8) any other form of identification prescribed by~~
 10 ~~the secretary of state].~~

11 SECTION 15. Subsections (a) and (b), Section 63.011,
 12 Election Code, are amended to read as follows:

13 (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009
 14 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person
 15 executes an affidavit stating that the person:

16 (1) is a registered voter in the precinct in which the
 17 person seeks to vote; and

18 (2) is eligible to vote in the election.

19 (b) A form for an affidavit required by this section shall
 20 be printed on an envelope in which the provisional ballot voted by
 21 the person may be placed and must include a space for entering the
 22 identification number of the provisional ballot voted by the person
 23 and a space for an election officer to indicate whether the person
 24 presented a form of identification described by Section 63.0101.

25 The affidavit form may include space for disclosure of any
 26 necessary information to enable the person to register to vote
 27 under Chapter 13. The secretary of state shall prescribe the form

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1 of the affidavit under this section.

2 SECTION 16. Subsection (b), Section 64.012, Election Code,
3 is amended to read as follows:

4 (b) An offense under this section is a felony of the second
5 ~~[third]~~ degree unless the person is convicted of an attempt. In
6 that case, the offense is a state jail felony ~~[Class A misdemeanor]~~.

7 SECTION 17. Section 65.054, Election Code, is amended by
8 amending Subsection (b) and adding Subsection (e) to read as
9 follows:

10 (b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ if
11 the board determines that:

12 (1) [r] from the information in the affidavit or
13 contained in public records, the person is eligible to vote in the
14 election and has not previously voted in that election; and

15 (2) the person:

16 (A) meets the identification requirements of
17 Section 63.001(b) in the period prescribed under Section 65.0541;
18 or

19 (B) executes an affidavit under penalty of
20 perjury stating that:

21 (i) the voter:

22 (a) is indigent and is unable to
23 obtain proof of identification without the payment of a fee; or

24 (b) has a religious objection to being
25 photographed; and

26 (ii) the voter has not been challenged or
27 required to vote a provisional ballot for any other reason.

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1 (e) In this section, "indigent" has the meaning assigned by
 2 Section 51.941(e), Government Code.

3 SECTION 18. Subchapter B, Chapter 65, Election Code, is
 4 amended by adding Section 65.0541 to read as follows:

5 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
 6 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
 7 voting under Section 63.011 because the voter does not meet the
 8 identification requirements of Section 63.001(b) may, not later
 9 than the sixth day after the date of the election:

10 (1) present proof of identification described by
 11 Section 63.0101 to the voter registrar for examination; or

12 (2) execute an affidavit described by Section
 13 65.054(b)(2)(B) in the presence of the voter registrar.

14 (b) The secretary of state shall prescribe procedures as
 15 necessary to implement this section.

16 SECTION 19. Section 66.0241, Election Code, is amended to
 17 read as follows:

18 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
 19 must contain:

20 (1) the precinct list of registered voters;
 21 (2) the registration correction list;
 22 (3) the registration omissions list;
 23 (4) any statements of residence executed under Section
 24 63.0011; and

25 (5) any affidavits executed under Section 63.006
 26 ~~[63.007]~~ or 63.011.

27 SECTION 20. Section 521.422, Transportation Code, is

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1 amended by amending Subsection (a) and adding Subsection (d) to
2 read as follows:

3 (a) Except as provided by Subsection (d), the ~~[The]~~ fee for
4 a personal identification certificate is:

5 (1) \$15 for a person under 60 years of age;

6 (2) \$5 for a person 60 years of age or older; and

7 (3) \$20 for a person subject to the registration
8 requirements under Chapter 62, Code of Criminal Procedure.

9 (d) The department may not collect a fee for a personal
10 identification certificate issued to a person who states that the
11 person is obtaining the personal identification certificate for the
12 purpose of satisfying Section 63.001(b), Election Code, and:

13 (1) who is a registered voter in this state and
14 presents a valid voter registration certificate; or

15 (2) who is eligible for registration under Section
16 13.001, Election Code, and submits a registration application to
17 the department.

18 SECTION 21. Effective January 1, 2012, Sections 63.007 and
19 63.008, Election Code, are repealed.

20 SECTION 22. As soon as practicable after the effective date
21 of this section:

22 (1) the secretary of state shall adopt the training
23 standards and develop the training materials required to implement
24 the change in law made by this Act to Section 32.111, Election Code;
25 and

26 (2) the county clerk of each county shall provide a
27 session of training under Section 32.114, Election Code, using the

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1 standards adopted and materials developed to implement the change
2 in law made by this Act to Section 32.111, Election Code.

3 SECTION 23. The change in law made by this Act applies only
4 to an offense committed on or after January 1, 2012. An offense
5 committed before January 1, 2012, is covered by the law in effect
6 when the offense was committed, and the former law is continued in
7 effect for that purpose. For purposes of this section, an offense
8 is committed before January 1, 2012, if any element of the offense
9 occurs before that date.

10 SECTION 24. State funds disbursed under Chapter 19,
11 Election Code, for the purpose of defraying expenses of the voter
12 registrar's office in connection with voter registration may also
13 be used for additional expenses related to coordinating voter
14 registration drives or other activities designed to expand voter
15 registration. This section expires January 1, 2013.

16 SECTION 25. This Act does not make an appropriation. This
17 Act takes effect only if a specific appropriation for the
18 implementation of the Act is provided in a general appropriations
19 act of the 82nd Legislature.

20 SECTION 26. (a) Except as provided by Subsection (b) of
21 this section, this Act takes effect January 1, 2012.

22 (b) The changes in law made by Sections 3, 5, 6, 7, 11, 22,
23 and 24 of this Act take effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION
Revision 1

March 21, 2011

TO: Honorable Dennis Bonnen, Chair, House Committee on Voter Identification & Voter Fraud, Select

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB14, As Engrossed: a negative impact of (\$2,024,000) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

Fiscal Analysis

The bill would exempt certain disabled voters from presenting additional identification for voting, other than the voter registration certificate, if the voter submits to the voter registrar proper certification from a physician of the disability. The bill would also require voter registration certificates to contain an indication that the disabled voter is exempted from presenting additional identification, other than the voter registration certificate, before being accepted for voting.

The bill would require the voter registrar of each county to provide a notice of identification requirements for voting with each initial voter registration certificate or renewal registration certificate issued. The Secretary of State (SOS) and the voter registrar of each county that maintains a website would be required to post on their websites, in each language in which voter registration materials are available, a notice of the identification

requirements, and county clerks would be required to post a physical copy in each language voter registration materials are available. SOS would be required to prescribe the wording of these notices. SOS would also be required to establish a statewide effort to educate voters regarding the identification requirements for voting.

The bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer and each election clerk would be required to complete this training.

The presiding judge at each polling place would be required to post in a prominent location outside of the location a list of the acceptable forms of identification and the list would have to be separate from all other notices. The Secretary of State would be required to prescribe the wording for written notifications of the identification requirements to vote in elections after January 1, 2012 and election officers would be required to provide this written notification of voting identification requirements to voters who do not meet identification requirements.

The Department of Public Safety (DPS) would be prohibited from collecting a fee for a personal identification certificate issued to a person who states that they are obtaining the personal identification certificate to meet voting identification requirements and that person meets certain other voter registration criteria.

The bill would change an offense under this section after January 1, 2012 to a second degree felony from a third degree felony unless the person is convicted of an attempt, in which case, the offense would be a state jail felony instead of a Class A misdemeanor.

The Secretary of State would be required to prescribe procedures for voters who provisionally vote without proper identification to present proof of identification to the voter registrar not later than the sixth day after the date of the election.

The bill would repeal Sections 63.007 and 63.008 of the Election Code related to voters with incorrect certificates who are not on the voter list and voters without certificates who are not on the voter list.

The Secretary of State (SOS) would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2011. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by SOS as soon as practicable as well.

The bill would expand the uses of state funds disbursed under Chapter 19 of the Election Code to include additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section would expire January 1, 2013.

Sections 1, 3, 4, 5, 9, 20, and 22 pertaining to providing notice of voter identification requirements, providing voter identification training, providing voter education to the public, and expanding the uses of voter registration funds would be effective September 1, 2011. The remainder of the bill would be effective January 1, 2012.

Methodology

The fiscal impact of the bill excluding technology costs is estimated to be \$2,000,000 million for fiscal year 2012 out of the General Revenue Fund. The estimate includes \$0.5 million to research and develop ways to inform the public of the new identification requirements. Additional costs are estimated to be \$1.5 million for media advertisements: television (\$750,000), radio (\$300,000), print (\$300,000), and internet (\$150,000). The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

The Secretary of State would also be required to prescribe the wording for voter identification requirement notifications in each language voter registration materials are available and develop training materials on voter identification requirements. It is assumed that any fiscal implication associated with these responsibilities could be absorbed within existing resources.

The fiscal impact of expanding the uses of funds disbursed under Chapter 19 of the Election Code to include coordinating voter registration drives or other activities designed to expand voter registration is unknown because it is not known how many voter registration drives or other activities designed to expand voter registration would occur.

The fiscal impact of the revenue loss from the prohibition of DPS to collect a fee for a personal identification

certificate issued to a person seeking the certificate for the purpose of voting is unknown because it is not known how many people would make a request for a personal identification certificate for voting.

Technology

The technology fiscal impact of the bill is estimated to be \$24,000 for programming costs associated with creating an indicator on voter registration certificates for voters with certain disabilities. The notification would inform election officers at polling places that voters with certain disabilities are exempted from presenting additional identification other than the voter registration certificate. The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

Local Government Impact

The bill would require counties to notify registered voters of changes online if the county maintains a website, at polling locations, and included with voter registration certificates. Election clerks would be required to undergo training regarding accepted forms of voter identification.

According to Texas Association of Counties (TAC), Tarrant County anticipated a one-time cost to reprint provisional balloting materials and provide new notices (\$8,000); Bexar County stated that due to limited space on current registration certificates, larger cards would be necessary resulting in additional costs for cards, printing and postage (\$381,256); however, Comal County reported the costs associated with the provisions of the bill could be absorbed within existing resources.

Source Agencies: 307 Secretary of State, 405 Department of Public Safety

LBB Staff: JOB, JT, MS, BTA, SD, KKR

HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING

COMMITTEE: Voter Identification & Voter Fraud, Select
TIME & DATE: 8:00 AM, Tuesday, March 01, 2011
PLACE: JHR 140
CHAIR: Rep. Dennis Bonnen

SB 14 Fraser | et al.
Relating to requirements to vote, including presenting proof of
identification; providing criminal penalties.

The House Committee on Voter Identification & Voter Fraud, Select

82nd Legislature

March 1, 2011

8:00 a.m.

JHR 140

CORRECTED MINUTES

On March 15, 2011, the House Committee on Voter Identification & Voter Fraud, Select authorized the correction of the minutes for the meeting of the House Committee on Voter Identification & Voter Fraud, Select held on March 1, 2011. The following are the corrected minutes for that meeting:

Pursuant to a notice posted on February 22, 2011, the House Committee on Voter Identification & Voter Fraud, Select met in a public hearing and was called to order by the chair, Representative Bonnen, at 8:00 a.m.

The initial quorum call was answered as follows: Representatives Bonnen; Aliseda; Harless; Hochberg; and Pena.

A quorum was present.

The chair made opening remarks.

The chair directed an additional quorum call which was answered as follows: Representatives Bonnen; Aliseda; Harless; Hochberg; and Pena.

A quorum was present.

House Committee on Voter Identification & Voter Fraud, Select

3/1/2011

SB 14

The chair laid out SB 14.

Representative Harless offered a complete committee substitute.

The chair recognized Representative Harless to explain CSSB 14.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Taylor, Larry now present.)

(Representative Hilderbran now present.)

(Representative Gutierrez now present.)

(Representative Veasey now present.)

Testimony taken/registration recorded. (See attached witness list.)

The committee substitute was withdrawn without objection.

SB 14 was left pending without objection.

At 9:53 a.m., on the motion of the chair and without objection, the meeting was recessed until upon final adjourn./recess.

The committee reconvened at 12:30 p.m. and was called to order by the chair, Representative Bonnen.

The quorum call was answered as follows: Representatives Bonnen; Aliseda; Gutierrez; Harless; Hochberg; and Pena.

A quorum was present.

The chair laid out SB 14 as pending business.

Representative Harless offered a complete committee substitute.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Taylor, Larry now present.)

(Representative Hilderbran now present.)

House Committee on Voter Identification & Voter Fraud, Select

3/1/2011

(Representative Veasey now present.)

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Harless to close on CSSB 14.

The committee substitute was withdrawn without objection.

SB 14 was left pending without objection.

At 5:48 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Bonnen, Chair

Steven Schar, Clerk

WITNESS LIST

Voter Identification & Voter Fraud, Select Committee
March 1, 2011 - 8:00 AM

SB 14 - Committee Substitute (Harless)

For:

Barnes, Elizabeth (Self)
Bradford, Rebecca (Texas Federation of Republican Women)
Buelter, Kenneth (Goliad County Republican Party)
Carter, David (Self)
Collins, Mary Ann (Self)
Duerstine, Russ (Tom Green County G.O.P. and Election Support Association of T. G. County)
Gorman, Diane (Self)
Green, Robert (Self)
Kitson, Carol (Self)
Le Pori, Cynthia (Self)
Marsalis, William (Butch) (Self; Panola County Conservatives)
McClagherty, Fern (Self)
Smith, Tonja "Michelle" (Concerned Women for America)
Thornton, Verona (Self)
Townsend, Virginia (Self)
Vera, Alan (Self)
Vera, Colleen (Self)
Wallace, B. R. (Skipper) (Texas Republican County Chairman's Association)
Whitlock, Bea (Self)
Williamson, Mark (Self)

Against:

Bledsoe, Gary (Texas NAACP)
DasGupta, Sumit (Network of Asian American Organizations)
Figueroa, Luis (Mexican American Legal Defense & Educational Fund (MALDEF))
Joseph, Andrew (Self)
Ko, Ramey (Self)
Levitt, Justin (Self)
Privett, Anita (LWV - TX (League of Women Voters of Texas))
Santana, Sonia (ACLU-TX)
Wang, Tova (DEMOS)

On:

Davio, Rebecca (Department of Public Safety)
Gomez, Jessica (Disability Rights Texas, formerly Advocacy, Inc.)
Kemp, Brian (Self)
Maxwell, David (Texas OAG (Office of the Attorney General))
Mc Geehan, Ann (Elections Division - Office of Secretary of State)
Moore, Toby (Self)
O'Brien, John (Legislative Budget Board)

WITNESS LIST

On:

Ward, Chris (Self)
Wheeler, Thomas (Self)
Woods, John (Self; Graduate School, Student Government of the University of Texas at Austin)

Registering, but not testifying:

For:

Anderson, Erin (Self)
Ayers, Pam (Self)
Blakemore, Allen (Conservative Republicans of Texas)
Burgess, Judith (Self)
Burgess, Wayne (Self)
Cassady, Bill (Self)
Cassady, Leila (Self)
Curry, Carol (Self)
Dashiell, Toni Anne (Self)
Dickerson, Gerald (Self)
Doyle, William R. (Self)
Edwards, Rosemary (Self)
Engelbrecht, Catherine (King Street Patriots)
Giacomazza, Robert (Self)
Griffin, Travis (Republican Party of Texas)
Hindelang, Paul (Self)
Hotze, Steven (Conservative Republicans of Texas)
Johnson, Cheryl (Gal Co. Tax Office)
Landis, Donald (Self)
Lindsey, Mack (Self)
Lockhoof, Michelle (Self)
Marler, John (Williamson County Liberty Alliance)
Marsalis, Karen (Self; Panola County Republican Women)
McCaig, Mark (Self)
Moore, Bill (Organizing for Liberty, Inc. Sugarland, TX.)
Rogers, Linda (Texas Republican Co. Chairmen's Assn.)
Rousselot, Reid (Self)
Saenz, Jonathan (Liberty Institute)
Stair, Margy (Self)
Stockbauer, Catherine (Self)
Swift, Sheryl (Galveston County Tax Office)
Tarver, Maudie (Self)
Van der Pol, Kathryn (Self)
Van der Pol, Sybren (Self)
Vest, Linda (Self)
Walker, Jim (Self)
Ward, Jerri Lynn (Self)
Ward, Robert (Self)

WITNESS LIST

For:

Wright, Maggie (Self)

Against:

Arabie, Joseph (Texas AFL-CIO)

Brown, Mary (Self)

Ekstrand, Tracy (Self)

Fischer, Huey (Self)

Flores, Juan (La Fe Policy Research and Education Center)

Gutierrez, Anthony (Boyd Richie Texas Democratic Party)

Haenschen, Katherine (Self)

Hill, Kathleen (Self)

Kaplan, Austin (Self; The Liberal Austin Democrats)

Lara, Rene (Texas AFL-CIO)

Meredith, Katrina (Self)

Van Cleve, Genevieve (Capital Area Democratic Women)

Weinberg, David (Texas League of Conservation Voters)

TEXAS HOUSE OF REPRESENTATIVES
82ND LEGISLATURE
SELECT COMMITTEE ON VOTER IDENTIFICATION
AND VOTER FRAUD HEARING
MARCH 1, 2011

(VOLUME I of II)

Transcribed by Amy C. Kofron CSR
April 11, 2011



Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

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3	CHRIS WARD.....	5
4	B.R. SKIPPER WALLCE.....	19
5	DAVID CARTER.....	42
6	WILLIAM BUTCH MARSALIS.....	56
7	CYNTHIA LE PORI.....	59
8	ROBERT GREEN.....	62
9	GARY BLEDSOE.....	64
10	COLLEEN VERA.....	89
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1 CHAIRMAN BONNEN: Okay. We have a quorum, so
2 we'll begin. I'd like to welcome everyone here to the hearing
3 today. The committee will use the following procedures today to
4 insure an effective and productive hearing that respects the
5 time and efforts of those wishing to testify. Invited
6 witnesses, which I believe there are ten of, five from each side
7 of the issue, will be allowed to provide an opening presentation
8 and will be limited to ten minutes and then stand before the
9 committee to answer any questions that committee members may
10 have.

11 Citizens wishing to testify in the public portion
12 of the hearing will be limited to three minutes of testimony,
13 with additional time, of course, for the members of the
14 committee to question these witnesses. The committee has
15 invited three witnesses to participate through Skype, which is a
16 software application that allows audio and video between two
17 parties. This is an interesting way that the three expert
18 witnesses, at the request of Vice Chairman Veasey, to allow them
19 to testify if they get their witness affirmations and things in.

20 We will now lay out Senate Bill 14. Then we'll
21 have Representative Harless lay out and explain her substitutes.
22 So Representative Harless' office has made copies available to
23 the public in the back of the room. There should be copies of
24 the committee substitute by Representative Harless on Senate
25 Bill 14. All testimony before the committee will be on



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Representative Harless' committee substitute to Senate Bill 14.

Okay. We left a member off on the roll call, so the clerk would like to re-call the roll.

THE CLERK: Bonnen?

MR. BONNEN: Here.

THE CLERK: Veasey? Hilderbran? Hochberg?

MR. HOCHBERG: Here.

THE CLERK: Pena?

MR. PENA: Here.

THE CLERK: Taylor? Gutierrez? Harless?

MS. HARLESS: Here.

THE CLERK: Aliseda?

MR. ALISEDA: Here.

CHAIRMAN BONNEN: Okay. Thank you. There is still a quorum. Okay. So the Chair lays out Senate Bill 14 by Senator Fraser. Representative Harless offers up a committee substitute to Senate Bill 14, and the chair recognizes her to explain her substitute.

MS. HARLESS: Would you prefer me to do it here?

CHAIRMAN BONNEN: It's wherever you're most comfortable.

MS. HARLESS: Okay. I'll just do it here.

Senate Bill 14 House Committee Substitute
Highlights: This bill requires voters to show a photo ID. It has exceptions of people 70 and older as of January 1st, 2012,



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1 and they may continue to vote with their voter's registration
2 card, indigent voters, voters with religious objections to being
3 photographed, and voters who show proof of Social Security
4 disability or 50 percent disabled vets. The acceptable photo
5 IDs include cards issued by the DPS, most will be driver's
6 license or ID cards no more than 60 days expired, military IDs
7 that are no more than 60 days expired, a passport that is no
8 more than 60 days expired, citizen certificate with photograph,
9 concealed handgun license that are no more than 60 days expired.

10 The changes in the Committee Substitute, the
11 disability exemption has been tightened. The CHL expiration
12 language is made consistent with other forms of ID. It must not
13 have another form of ID to get a free ID, one must not. And it
14 removes the Senate Floor amendment rendering this bill
15 ineffective if the bill is determined to make an appropriation,
16 and legislative council technical changes.

17 CHAIRMAN BONNEN: Thank you. Are there any
18 questions of Representative Harless, members? Thank you.

19 Chair calls Chris Ward, an attorney, as invited
20 testimony. And obviously, for all witnesses, we ask that you
21 state your name and who you're representing for the record and
22 then go ahead and begin your testimony.

23 Mr. Ward, you'll have ten minutes.

24 MR. WARD: Thank you, Mr. Chairman. My name is
25 Chris Ward. I represent myself here. I am a partner with the



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1 law firm of Yetter, Coleman. I've been asked to come testify
2 regarding the constitutionality of Senate Bill 14 under the
3 standard laid out by the Supreme Court. I practice --

4 CHAIRMAN BONNEN: Mr. Ward, I would assume you're
5 speaking to the substitute, and you've seen the substitute?

6 MR. WARD: Yes, Mr. Chairman.

7 CHAIRMAN BONNEN: Thank you.

8 MR. WARD: And I -- and I -- and I -- you know,
9 and I don't think there is any -- have been any changes of
10 constitutional significance in the bill and certainly
11 the -- that the bill before the committee today would satisfy
12 the Court's constitutional standard as I will walk through with
13 you.

14 Just a little by way of background. I primarily
15 practice appellate litigation, including constitutional and
16 Supreme Court litigation. I have some experience in the
17 particular field of voting rights, including being one of the
18 lead attorneys in the 2009 Supreme Court case, Northwest Austin
19 MUD v. Holder, which was one of the -- the Court's leading
20 Voting Rights Act decisions in recent years.

21 The Supreme Court has spoken pretty plainly to
22 the particular issue that is before the committee with regard to
23 constitutionality. There is a 2008 Supreme Court case, Crawford
24 v. Marion County Election Board in which the Supreme Court
25 upheld Indiana's voter identification law. And what -- the main



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1 thing I want to do is kind of walk through a little bit of what
2 the Crawford case holds and how that relates to Senate Bill 14.

3 The Indiana voter identification law, at the time it
4 was considered by the Supreme Court, was considered to be the
5 most stringent voter identification law in the country. So the
6 fact that the Supreme Court upheld the Indiana voter ID law gave
7 a lot of -- a lot of constitutional validity to the entire
8 concept of requiring voter identification as a means of
9 combatting voter fraud. The opinion in the Crawford case was
10 authored by Justice Stevens, who of course is now off the court,
11 but at the time and for a long time he had been considered one
12 of the most liberal members of the Supreme Court. So there --
13 there is some -- some weight to the fact that Justice Stevens is
14 the one who wrote the opinion upholding it. He was joined by
15 the chief justice and also by Justice Kennedy who was and still
16 is considered the main swing vote on the Court.

17 Just a few -- a few things to note about the
18 Crawford case. The Indiana voter law that was being considered
19 by the Supreme Court in Crawford, like Senate Bill 14, would
20 apply to in-person voting and required citizens to show a photo
21 ID in order to vote in person. In the controlling opinion,
22 Justice Stevens laid out the test for a constitutional challenge
23 to an election regulation. He explained that the -- what you do
24 is you weigh the asserted injury to the right to vote against
25 the precise interest put forward by the State. And the Court



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1 identified several valid State interests in the context of a
2 voter identification law. The primary State interest, which the
3 Supreme Court said is clearly valid, is the -- the State, of
4 course, has a strong interest in deterring and detecting voter
5 fraud.

6 Interesting to note, in the Crawford case, the
7 Court noted there was -- there was nothing in the record of that
8 case that reflected that in-person voting fraud had actually
9 been occurring or had been a real problem in Indiana. But there
10 were a few flagrant examples from around the country, and the
11 Court made the observation that this is a -- this is a problem a
12 legislature can reasonably expect and can reasonably take steps
13 to prevent.

14 Justice Stevens recounted an anecdote regarding a
15 19th century New York ward boss of politics who said, you know,
16 all his voters that he wanted to get out, he always wanted men
17 with whiskers because he could -- he could send them in once to
18 vote with a full set of whiskers. Then he can take them to the
19 barber, have the mustache shaved, send them in, send them back
20 to the barber, they could come back with just their mutton
21 chops. And then if you need more votes, you can send them back
22 clean shaven, and each one was good for four votes.

23 Now, I bring that -- I mention that part of the
24 opinion for two reasons: One, I just find it a little amusing.
25 But the important legal and constitutional point is this was



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1 something that happened more than 100 years ago, and the Court
2 looked at it and said here's an example of where in-person voter
3 fraud could occur. And the point of including that anecdote in
4 the opinion is to say this is a problem a state can address. It
5 doesn't necessary have to be based on current evidence of a
6 contemporary problem. This is something you can anticipate
7 could be a problem, and we know it's been a problem
8 historically, and a state can take reasonable pleasures to
9 prevent it.

10 The Court also identified other valid state
11 interests, interests in improving and modernizing election
12 procedures. The Court noted that in the Help America Vote Act,
13 Congress identified photo identification as one effective method
14 of establishing a voter's qualification to vote. So Congress
15 has also -- has recognized photo ID as a valid way of validating
16 a voter's identity. The Commission on Federal Election Reform,
17 which was a commission chaired by former President Jimmy Carter
18 and Secretary of State Robert Baker -- Jim Baker, issued a
19 report in which they also identified photo ID as a valid method
20 of modernizing and making elections -- election procedures more
21 modern and effective.

22 Safeguarding voter confidence is another valid
23 state interest that the Court identified as served by photo ID
24 laws. Not only does it make the system more fraud proof, but it
25 gives voters more confidence that their system is fraud proof



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1 and that their own validly-cast vote will count and will not be
2 diluted by the casting of fraudulent ballots.

3 The Court looked at the burden that a photo ID
4 law imposes on the right to vote, and the Court weighed that
5 against these important state interests. The Court made an
6 important distinction between a particular burden that an
7 individual might face. For some individuals, it might be a
8 particular burden to get a photo ID. But in the context -- in
9 the question of what's called facial validity and a
10 constitutional challenge that seeks to strike down an entire law
11 as unconstitutional is known as a facial challenge. On its
12 face, you look at the burden overall, not in a particular case
13 in which a person, an individual, might be able to make out a
14 case of a particularized as-applied constitutional problem.

15 The Court identified the relevant burden as the
16 burden on those persons who are eligible to vote but who do not
17 currently possess a valid photo ID. The Court noted that if you
18 had to pay some fee to get the photo ID, then that would be an
19 unconstitutional poll tax. But the fact that Indiana's law
20 provided for free photo IDs for those who did not already have
21 them in order to vote kept that from being a problem. Senate
22 Bill 14 has the same provision. A voter can get a free photo ID
23 card from the State if the voter does not already have a card.
24 You know, the Court did recognize that there is a somewhat --

25 CHAIRMAN BONNEN: Mr. Ward, your time has



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1 expired.

2 MR. WARD: Thank you, Mr. Chairman.

3 CHAIRMAN BONNEN: Thank you. Let the record
4 reflect Representative Taylor is present. He had an issue with
5 traffic. And also, members, let's welcome Representative Anchia
6 who is not a member of the committee. But once the members of
7 the committee have asked the questions they desire, we will
8 respect Representative Anchia and other members who are not on
9 this committee to ask questions of the witnesses.

10 Are there any questions of Mr. Ward of the
11 committee members? Representative Hochberg?

12 MR. HOCHBERG: Thank you, Mr. Chairman.

13 And I realize that you were citing a legal
14 argument, but I just want to make sure that I understand how it
15 fits. I guess this was a -- when you were talking about the
16 gentlemen with mutton chops, I guess what you were saying was if
17 fraud ever existed, then any solution that is reasonably
18 attached to eliminating a fraud that's similar, even if it's not
19 that fraud, makes this constitutional. Is that what your point
20 was?

21 MR. WARD: I think the -- the Court's point is
22 that voter fraud is something that historically, and just the
23 experience of legislatures, can tell you that it could be a
24 problem, and that photo ID is a way of combatting it.

25 MR. HOCHBERG: So any solution -- so any



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1 action -- it's your position that any action that is arguably to
2 combat voter fraud is legal if there has been any other kind of
3 voter fraud, regardless of whether the action that's taken meets
4 that requirement.

5 I guess the reason I'm asking this is I assume
6 that this bill -- and I have not read the entirety of the
7 substitute, but I assume that this bill doesn't require somebody
8 to reject a voter because they've shaved their whiskers since
9 the time the picture was taken. But the example that you sort
10 of sent up here was that, my goodness, this guy could
11 have shaved, you know, and be able to come in four different
12 times. And I don't see how that's really connected to the bill.
13 So what point is it that you're making about that?

14 MR. WARD: Well, respectfully, Representative, I
15 think the first part of your question was too broad. It's not
16 my position, and I don't think it's the Supreme Court's position
17 that anything, just because it has the intent of combatting
18 voter fraud is necessarily constitutional.

19 But specifically, the Court has looked at photo
20 identification and said that is a constitutionally valid and
21 reasonable method of attempting to combat voter fraud, improve
22 and modernize elections and encourage voter confidence in the
23 system.

24 MR. HOCHBERG: But your position is that whether
25 or not the method to combat voter fraud is connected to the



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1 fraud that has been documented to occur at some point in the --
2 in the history of the state or the United States, I guess, that
3 that's sufficient to give the State constitutional grounds to
4 oppose it.

5 MR. WARD: Well, I'm saying --

6 MR. HOCHBERG: I'm not an attorney, so I'm really
7 kind of asking you to explain what that example had to do with
8 anything, because not being an attorney, I can't make all those
9 stretches.

10 MR. WARD: Well, the question was raised in the
11 Crawford case, is there evidence or is there enough evidence
12 that this type of in-person voting fraud is a a present problem
13 in Indiana.

14 MR. HOCHBERG: What type of in-person voting
15 fraud?

16 MR. WARD: Somebody walking in, and maybe they
17 have a voter registration card or they're on the rolls, but they
18 don't -- they're not asked, and they -- they don't have to show,
19 and they don't have a photo ID, and it's not the person who's
20 actually on the registration roll. Maybe the person on the
21 registration rolls is dead. You know, I think there was some
22 evidence in the Indiana case that they had problems with purging
23 their voter rolls, and there were a lot of people who did not
24 meet the constitutional condition of being a person living in
25 the state in order to --



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1 MR. HOCHBERG: Who were on the rolls.

2 MR. WARD: Who were on the rolls.

3 MR. HOCHBERG: Right. We're not assuming that
4 any of those dead people were actually voting.

5 MR. WARD: That's correct. The --

6 MR. HOCHBERG: It would be okay as long as they
7 had the proper ID.

8 MR. WARD: If they had the proper ID and they
9 could get to the polls, I know nothing in the constitution --

10 MR. HOCHBERG: I grew up in Chicago, so dead
11 voters -- I understand the dead voters, but --

12 MR. WARD: The Court has not yet decided whether
13 zombies are protected under the 14th amendment. But the point
14 the Court was making is to uphold this as a facially
15 constitutional method of combatting voter fraud you do not need
16 to have specific evidence that this is a current widespread
17 problem in the state.

18 MR. HOCHBERG: Or apparently, a previous problem
19 that you're actually solving, because you would agree with me
20 that voter ID wouldn't take care of the person who has -- who
21 shaves his mutton chops because there's no requirement that a
22 person have the same facial hair --

23 MR. WARD: Well, not --

24 MR. HOCHBERG: -- as they do on the picture.

25 MR. WARD: Not necessarily. That -- that may



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1 be --

2 MR. HOCHBERG: Or hopefully, the hair on the top
3 of one's head that they do in the picture.

4 MR. WARD: But just by way of example, you know,
5 I -- they used to take DPS driver's license photos with your
6 glasses on. And last time I got my picture made for my driver's
7 license, they made me take my glasses off. And, you know, there
8 were once or twice in my life when I've had to show my ID, and I
9 had different glasses and they -- or I had contacts for a brief
10 period of time, and somebody would say, Is this you? Well, yes,
11 it's me. And I think you could -- if you're looking at a photo
12 ID, you could probably make the same distinction with the
13 whiskers.

14 MR. HOCHBERG: Right. So the --

15 MR. WARD: But the --

16 MR. HOCHBERG: So the photo ID wouldn't have
17 prevented you from voting four times. So the -- the example
18 doesn't have to be connected to the case then, I guess.

19 MR. WARD: Well, I think in most cases you could
20 probably say I see you're clean shaven; in this you have a
21 beard. Yeah, I can see.

22 MR. HOCHBERG: Right.

23 MR. WARD: But, you know, I think that gets a
24 little bit into the weeds. The main --

25 MR. HOCHBERG: Well, just because you brought it



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1 up. So, I -- just --

2 MR. WARD: Well, the legal reason I pointed to
3 that example is when the Court and Justice Stevens was able to
4 say, I'm going to pull up this 100-year-old example and say
5 that's enough to support using photo ID to combat voter fraud.

6 CHAIRMAN BONNEN: Okay. Thank you.

7 MR. WARD: So --

8 CHAIRMAN BONNEN: Thank you, Representative
9 Hochberg. Let the record indicate Representative Hilderbran is
10 present.

11 Members, any other questions of this witness?

12 Representative Anchia.

13 MR. ANCHIA: Just one. I just want to underscore
14 a distinct, an important distinction that you made earlier,
15 which was the distinction between an as-applied challenge and a
16 facial challenge. Now, the Supreme Court in the Indiana case
17 only dealt with the facial challenge, correct?

18 MR. WARD: That's correct.

19 MR. ANCHIA: There's been no case related to the
20 Indiana law with respect to an as-applied challenge; is that
21 correct?

22 MR. WARD: That's correct to the best of my
23 knowledge.

24 MR. ANCHIA: Okay. But you could imagine an
25 as-applied challenge that would be successful if the photo ID



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1 regime was onerous and disenfranchised persons; is that correct?

2 MR. WARD: You could imagine an as-applied
3 challenge that would be successful with regard to almost any
4 law, affecting anything. And that's --

5 MR. ANCHIA: And in the Indiana case, there was
6 no -- there was no as-applied challenge, simply a facial
7 challenge; is that correct?

8 MR. WARD: That's correct.

9 MR. ANCHIA: Okay.

10 MR. WARD: And -- and if I may -- you know, and
11 that's the difference between a facial challenge and an
12 as-applied challenge is in a facial challenge, you're saying
13 this whole law -- this law is invalid, it's unconstitutional,
14 please strike it down.

15 And with regard to an as-applied challenge, you
16 can bring an as-applied challenge as to almost any law, whether
17 it's about voting rights or whether it's about a traffic
18 violation or whatever and say, as applied to me, this violates
19 some constitutional right.

20 MR. ANCHIA: And just to follow up on your -- on
21 your -- on your analysis. And if there was a photo
22 identification regime that disenfranchised a significant amount
23 of voters, you could envision an as-applied challenge that would
24 be successful, correct?

25 MR. WARD: I could envision a challenge by a



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1 particular individual that might be successful, that you
2 could --

3 MR. ANCHIA: But if it was -- in scope of
4 magnitude, if you had a lot of people who were disenfranchised,
5 you could imagine an as-applied challenge that would be
6 successful.

7 MR. WARD: Well -- well, I couldn't imagine --

8 MR. HOCHBERG: Just using that assumption.

9 MR. WARD: Yeah. I could imagine an individual
10 saying the constitution requires me to have an exception made in
11 my case for this law. I --

12 MR. ANCHIA: I'll take that as -- as your
13 agreement. Thank you.

14 CHAIRMAN BONNEN: Let the record reflect
15 Representative Gutierrez and Vice Chairman Veasey are present.
16 Representative Aliseda has a question.

17 MR. ALISEDA: Is it not true that with respect to
18 the Supreme Court case you cited, that there were efforts to
19 find plaintiffs that would be able to claim that the statute was
20 unconstitutional as applied to them?

21 MR. WARD: I don't know the full litigation
22 history of the case. I don't know.

23 MR. ALISEDA: I thought the particular case cited
24 efforts by groups to come up with voters that were
25 disenfranchised by the Indiana statute that, in fact, the case



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1 was pending several years prior to the actual hearing.

2 MR. WARD: There likely were. And that's
3 frequently the case in this kind of a challenge. And when
4 you're unsuccessful in being able to dig up a plaintiff who has
5 a good as-applied claim, that can be part of the evidence that
6 the law is not facially unconstitutional because it's not
7 constitutionally significant in terms of the burden it imposes
8 on very many people.

9 MR. ALISEDA: Thank you.

10 CHAIRMAN BONNEN: Thank you, members. Any other
11 questions of Mr. Ward?

12 Thank you, Mr. Ward. Appreciate your time this
13 morning.

14 MR. WARD: Thank you, Mr. Chairman and members.

15 CHAIRMAN BONNEN: Okay. Members, we -- at the
16 moment, we don't have any more of the expert witnesses present
17 with us. I guess we started too early. So we will begin with
18 the public testimony, and then as expert witnesses arrive, we
19 will bring them forward and allow them their opportunity.

20 So the chair calls Mr. B.R. Skipper Wallace,
21 legislative chair of the Texas Republican County Chairman's
22 Association to testify for Committee Substitute Senate Bill 14.

23 MR. WALLACE: Mr. Chairman, committee members,
24 I'm pleased to be here this morning. My name is B.R. Skipper
25 Wallace. I'm the legislative chairman for the Texas Republican



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1 County Chairman's Association. I've been an election judge and
2 a county chairman for 20 years. I've testified on this -- not
3 this particular bill, but variations of this bill for the last
4 three sessions of the legislature.

5 One statement that's always made is that there
6 are very few documented cases of voter impersonation. That's
7 true. Voter impersonation is probably the most difficult type
8 of voter fraud to prove. Unless the election judge where this
9 person goes to vote knows the person voting or the registration
10 card that they present, there is no way to prove voter
11 impersonation. If you -- Mr. Veasey, if you present Mr. Pena's
12 card and you come up there and present it, I have no way to
13 dispute that as an election judge under the present law.

14 One concern about the bill is it is difficult for
15 seniors, the poor and handicap to get photo IDs. We've -- we
16 have agreed in the bill to provide a significant effort to
17 educate, register anyone who does not have a photo ID at no cost
18 to them. The intent of the bill is not to disenfranchise
19 anyone, but to improve the integrity of the voting process.

20 Secretary of State's office reports that there
21 are 13 million registered voters in Texas as of March 2010
22 primary, 18.7 million voting age population. DPS reports that
23 there are more than 14 million valid Texas drivers licenses and
24 another 4 million valid Texas ID cards and 400,000 concealed
25 handgun licenses issued to Texans over 18 years old. Currently,



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1 there are more government issued IDs possessed by the voting age
2 population than there are registered voters. So I'm having a
3 real hard time of figuring out who doesn't have an ID already.
4 You can do the math on those numbers, and you tell me who
5 doesn't have one.

6 I beg you to stop perpetuating voter fraud and
7 pass a good voter photo ID bill. Hopefully, the goal of
8 everyone on this committee and in the legislature is to improve
9 the election process in Texas. I'll be glad to answer any
10 questions.

11 CHAIRMAN BONNEN: Thank you, Mr. Wallace. Any
12 questions, members?

13 Representative Vice Chair Veasey.

14 VICE CHAIRMAN VEASEY: It's been awhile since
15 I've been in this room, so pardon me.

16 MR. WALLACE: You were here last time I was here.

17 VICE CHAIRMAN VEASEY: Yeah, that's right. That
18 is right.

19 So what -- I know that you -- that you're
20 concerned about the point that you made about Aaron. If I
21 have -- if I show you Aaron's voter registration card, that you
22 have to let me vote under the current law.

23 MR. WALLACE: Right.

24 VICE CHAIRMAN VEASEY: But why are you so
25 convinced that there is voter fraud? Like what makes you -- is



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1 there -- is -- I know that -- I understand exactly what the
2 point that you're trying to make, that it's easy for anyone to
3 just say, Well, here, here's my card, you know, and that that
4 may be going on throughout the state. But what makes -- why are
5 you -- why are you certain that that's going on throughout the
6 state?

7 MR. WALLACE: Well, there -- there is no way that
8 you can prove that there's not voter fraud, and there's no way
9 that I can prove that there is voter fraud because the
10 difficulty of proving voter impersonation. It --

11 VICE CHAIRMAN VEASEY: Right. But I think the
12 last statement that you made was that we need to stop
13 perpetuating voter fraud. But you just said that neither one of
14 us can prove that voter fraud is or is not taking place.

15 MR. WALLACE: Well, it is our opinion --

16 VICE CHAIRMAN VEASEY: Uh-huh.

17 MR. WALLACE: -- that there is voter fraud in the
18 state of Texas --

19 VICE CHAIRMAN VEASEY: Based on?

20 MR. WALLACE: -- in various and sundry ways.

21 VICE CHAIRMAN VEASEY: Based on?

22 MR. WALLACE: Based on different reports from
23 different areas that -- of election judges that talk to me that
24 say that they have witnessed. They have not pursued the case
25 and gone ahead and filed charges because they're not sure



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1 sometimes. But one election judge told me that they know or
2 they felt pretty sure that they saw the same guy come vote three
3 different times with three different cards, but there's not a
4 case on that. So, you know, why don't we take an ounce of
5 prevention instead of a pound of cure and solve this problem. I
6 mean, 90 percent of the voters that come to vote now, at least
7 in the polls that I work in, present a photo ID as it is,
8 without it being a requirement of the law.

9 VICE CHAIRMAN VEASEY: How many expired IDs do
10 you see when people --

11 MR. WALLACE: Not very many.

12 VICE CHAIRMAN VEASEY: Okay.

13 MR. WALLACE: No. In fact, nobody -- everybody
14 thinks that an expired ID is not any good, which, you know,
15 there's some question as to whether an expired ID is any good.
16 But --

17 VICE CHAIRMAN VEASEY: How many student --

18 MR. WALLACE: -- I don't ever recall seeing an
19 expired ID presented at a voting place as a way to identify
20 themselves.

21 VICE CHAIRMAN VEASEY: How many -- how many
22 students, student IDs?

23 MR. WALLACE: How many students?

24 VICE CHAIRMAN VEASEY: Yeah.

25 MR. WALLACE: Well, being that we don't have a



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1 college in the area where I'm from, we don't get --

2 VICE CHAIRMAN VEASEY: Okay. Where --

3 MR. WALLACE: -- hardly any.

4 VICE CHAIRMAN VEASEY: And where are you from
5 again?

6 MR. WALLACE: Lampasas, Texas.

7 VICE CHAIRMAN VEASEY: Lampasas. Okay.

8 MR. WALLACE: Uh-huh. Small rural county.

9 VICE CHAIRMAN VEASEY: Yes. Oh, yeah.
10 Absolutely.

11 CHAIRMAN BONNEN: Representative Hochberg.

12 MR. HOCHBERG: Thank you, chairman.

13 Gosh, I thought everybody in Lampasas knew each
14 other.

15 MR. WALLACE: Well, you'd think so. But even in
16 a small county like that, you know, we've got new people moving
17 in all the time, all these folks moving out of Austin, moving to
18 the hill country. I don't blame them.

19 MR. HOCHBERG: Yeah. Well, that -- that would
20 be -- I'd be worried about that too. I don't know what it's
21 going to do to your property taxes. It's probably making a
22 mess.

23 MR. WALLACE: Well, that's probably -- you're
24 right.

25 MR. HOCHBERG: So what do you -- what are you



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1 going to do? How are you -- how are you going to stop this dude
2 who shows up three times who's obviously gone through the effort
3 of coming up with three different voter registration cards or
4 three different sets of identification?

5 MR. WALLACE: Well, right now --

6 MR. HOCHBERG: I hadn't been -- I hadn't
7 been -- let me -- I hadn't been 18 for a long time, but I
8 remember that it used to be pretty easy to fake an ID or
9 something to be able to engage in certain activities that
10 weren't allowed to people who were under the age of 21.

11 MR. WALLACE: I know exactly what you're talking
12 about.

13 MR. HOCHBERG: And so if this dude who came in
14 three times went to the effort of I guess getting some kind of
15 fake identification, because they have to present either a voter
16 registration card or something --

17 MR. WALLACE: Voter registration cards was my
18 understanding what they --

19 MR. HOCHBERG: Or something.

20 MR. WALLACE: -- presented.

21 MR. HOCHBERG: Then --

22 MR. WALLACE: This was not in Lampasas County
23 that this happened.

24 MR. HOCHBERG: And I know -- I know on your
25 watch, you wouldn't let it happen in Lampasas County because you



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1 would have reported it.

2 MR. WALLACE: Well, I would probably question --

3 MR. HOCHBERG: Sure.

4 MR. WALLACE: You know, let me -- well, see,
5 under law, I can't make them produce an ID.

6 MR. HOCHBERG: So when I produce a -- so if that
7 guy was going through that effort, don't you think under this
8 law, he'd have himself a fake ID too?

9 MR. WALLACE: Well, he'd have to have three fake
10 IDs.

11 MR. HOCHBERG: Has three fake voter registration
12 cards.

13 MR. WALLACE: Well, those aren't necessarily
14 fake. You know, there's a business in Texas where they steal
15 voter registration cards and then pass them out --

16 MR. HOCHBERG: I think there's --

17 MR. WALLACE: -- for people to vote. Or it's my
18 understanding.

19 MR. HOCHBERG: I don't --

20 MR. WALLACE: I've never seen that personally.

21 MR. HOCHBERG: I don't know if that's true, but
22 there's -- there's a business -- I'm sure there are -- I know
23 there are businesses that create fake drivers licenses.

24 MR. WALLACE: I'm sure there are. We -- and we've
25 tried --



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1 MR. HOCHBERG: But were they easy to find.

2 MR. WALLACE: -- to eliminate the number of IDs
3 that are available to use as a photo ID because we feel like
4 these are the most secure types --

5 MR. HOCHBERG: But you would --

6 MR. WALLACE: -- rather than the utility bills
7 and all this other stuff that we used to have.

8 MR. HOCHBERG: Sure. And but I know when I go to
9 the airport and try to get on an airplane that they don't just
10 look at my ID, but they've got all kinds of gadgets with the
11 little, you know, magnifying --

12 MR. WALLACE: That's true.

13 MR. HOCHBERG: -- glass and something, because
14 apparently, it's easy to fake unless you've been specially
15 trained to figure out how not to fake it.

16 MR. WALLACE: Right.

17 MR. HOCHBERG: So I'm just wondering if that -- I
18 say if that guy was going to go through the effort of either
19 doing that or cutting his mutton chops or whatever --

20 MR. WALLACE: Don't know anything about mutton
21 chops.

22 MR. HOCHBERG: Would he -- it doesn't take too
23 much of a stretch to think that he would go ahead and have the
24 appropriate kind of ID if he was --

25 MR. WALLACE: I think eventually the situation



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1 will evolve to you'll have a little -- a little zip thing like
2 they run credit cards through. They have those for drivers
3 licenses also. In fact, there are --

4 MR. HOCHBERG: What would you do with that?

5 MR. WALLACE: It gives you all the information
6 off the driver's license and actually puts it into the
7 electronic poll book right now. There is a system available to
8 counties that does that, takes --

9 CHAIRMAN BONNEN: Mr. Wallace?

10 MR. WALLACE: Yes, sir.

11 CHAIRMAN BONNEN: And Representative Hochberg, I
12 don't want to cut you off in any way --

13 MR. HOCHBERG: I understand.

14 CHAIRMAN BONNEN: -- but with all due respect --

15 MR. HOCHBERG: We've got a long day.

16 CHAIRMAN BONNEN: Well, no, I'm not even worried
17 about that, but we will have an expert witness from DPS who can
18 discuss --

19 MR. HOCHBERG: Great.

20 CHAIRMAN BONNEN: -- these driver's license. No
21 disrespect to you, Mr. Wallace, but I don't think you're --

22 MR. WALLACE: I'm just trying to answer the
23 question.

24 CHAIRMAN BONNEN: I don't think. No. I know.
25 No, no. I'm just -- I don't think that you're probably the



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1 expert to answer those.

2 MR. HOCHBERG: That's okay.

3 CHAIRMAN BONNEN: Go ahead, Mr. Hochberg.

4 MR. HOCHBERG: Let me ask you the other side of
5 the --

6 MR. WALLACE: Okay.

7 MR. HOCHBERG: -- of the deal. I know that
8 you're -- I know that you are a partisan elected official, but
9 I'm sure you are very fair in the way you administer your
10 elections.

11 MR. WALLACE: I certainly try to be.

12 MR. HOCHBERG: Have you ever heard of a situation
13 where a person administering an election in a precinct, be they
14 republican or democrat, has done anything to discourage people
15 that he -- who he believes to be or she believes to be of the
16 other party, done anything to discourage them from voting? Have
17 you ever heard of that happening?

18 MR. WALLACE: Well, I've not had a case filed
19 with me to --

20 MR. HOCHBERG: But you've heard of it?

21 MR. WALLACE: I've heard of it, sure.

22 MR. HOCHBERG: You've heard of it as much --

23 MR. WALLACE: Yeah.

24 MR. HOCHBERG: You've hear of it just like you
25 have --



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1 MR. WALLACE: On both sides.

2 MR. HOCHBERG: That's right.

3 MR. WALLACE: Yeah.

4 MR. HOCHBERG: And just like you've kind of heard
5 of folks maybe walking in --

6 MR. WALLACE: Yes, sir.

7 MR. HOCHBERG: -- more than once?

8 MR. WALLACE: Yes, sir.

9 MR. HOCHBERG: The one thing that I --

10 MR. WALLACE: We want to get that out of our
11 elections.

12 MR. HOCHBERG: I absolutely agree with that.

13 MR. WALLACE: We want elections fair and
14 aboveboard so everybody can vote that's supposed to.

15 MR. HOCHBERG: What I -- what I -- what I don't
16 understand is and what I don't see in the bill, and maybe you
17 can -- if you answer this question, I won't ask it again today,
18 but I've asked it --

19 MR. WALLACE: Okay.

20 MR. HOCHBERG: -- for a number of years on this.
21 You pick up my driver's license and take a look at it, and you
22 look at me, and you know that I'm a registered democrat. I know
23 we don't have registration, but you know I voted in the primary.
24 You know who I am.

25 MR. WALLACE: Yes, sir.



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1 MR. HOCHBERG: And you know it's not me
2 personally because you know I wouldn't let you do this, but --
3 but you know it's someone who's likely to vote, and it's not --
4 not you, but one of these other folks who have a history of
5 doing this kind of stuff, and they look at the license and they
6 say, I'm sorry, sir, this isn't you.

7 Now, I see references to training in here. And
8 maybe I -- and maybe I'm missing it and --

9 MS. HARLESS: May I help you with that?

10 MR. HOCHBERG: If the chair -- if the chair would
11 allow.

12 CHAIRMAN BONNEN: Well, are you asking her or Mr.
13 Wallace?

14 MR. HOCHBERG: Well, I'm -- well, I'm asking him
15 what he would do, but if -- but if the chair would like Ms.
16 Harless to answer, that's up to the chair.

17 CHAIRMAN BONNEN: Sure.

18 MS. HARLESS: We do have an expert here from the
19 Secretary of State to talk about that in the discretions they
20 use --

21 MR. HOCHBERG: Great.

22 MS. HARLESS: -- and exactly what --

23 CHAIRMAN BONNEN: Well, they're not here
24 currently.

25 MR. HOCHBERG: But I'll defer until -- if



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1 somebody -- if --

2 CHAIRMAN BONNEN: Okay.

3 MS. HARLESS: Yeah. We have.

4 MR. HOCHBERG: -- secretary of state wants to
5 talk about it, I'd love to hear it.

6 MS. HARLESS: On some questions, we do have
7 experts here from DPS, from the AG's office --

8 CHAIRMAN BONNEN: And I think we stated that.

9 MS. HARLESS: -- and also from the Secretary of
10 State.

11 CHAIRMAN BONNEN: Yeah. We'll get to that.

12 MR. HOCHBERG: Okay. Well, thank you, sir.
13 Thank you, sir.

14 CHAIRMAN BONNEN: Any other questions of this
15 witness, members?

16 MS. HARLESS: I have one.

17 CHAIRMAN BONNEN: Representative Harless.

18 MS. HARLESS: Thank you.

19 CHAIRMAN BONNEN: Yes, ma'am.

20 MS. HARLESS: I know that there's a lot of talk
21 about fraud. And you and I personally may disagree on whether
22 that takes place or it doesn't take place in in-voter fraud.
23 But tell me, in your mind, what happens if one fraudulent vote
24 is cast? Does that steal from a legitimate voter?

25 MR. WALLACE: Well, as you can see in a recent



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1 election contest, it doesn't take very many fraudulent votes to
2 change the election results. And I --

3 MS. HARLESS: You --

4 MR. WALLACE: I don't want any fraudulent -- if
5 there's any way I can prevent it, I would like to have everybody
6 have their opportunity to vote. I don't care -- I mean, I do
7 care who they vote for, but, you know, with their right to vote,
8 they can vote for whoever they want to, and however the results
9 come out, they come out. But they need to be legitimate votes.

10 MS. HARLESS: Have you noticed the confidence in
11 the public when they come into your precinct to vote on
12 questioning if their vote really counts and the integrity of the
13 election process?

14 MR. WALLACE: On questioning of --

15 MS. HARLESS: If there's true integrity in the
16 election process.

17 MR. WALLACE: We don't question them as to
18 whether they --

19 MS. HARLESS: No, not them.

20 MR. WALLACE: Maybe I misunderstood the question.

21 MS. HARLESS: Do you have people coming in
22 saying, I'm not sure my vote really counts or --

23 MR. WALLACE: Oh, yeah. Sure. Yeah.

24 MS. HARLESS: Because they're questioning the
25 integrity of the election process?



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1 MR. WALLACE: Well, you know, you hear all kinds
2 of horror stories, and the press is real good about playing up
3 the if, whens and maybes. And yeah, people are real
4 apprehensive as to whether our elections are really credible or
5 not. And when you get one horror story, then everybody is
6 suspect. They lose confidence in the process. And I think
7 presenting the ID will help reinstill it. 85 percent of the
8 people in Texas are in support. Even the democrats, Mr.
9 Hochberg.

10 CHAIRMAN BONNEN: Thank you. Representative
11 Gutierrez.

12 MR. GUTIERREZ: Thank you, Mr. Chairman. And I
13 apologize. I was in a LAP committee meeting that we had
14 earlier, and it's still going on at this time.

15 Mr. --

16 MR. WALLACE: Wallace.

17 MR. GUTIERREZ: Mr. Wallace, you suggest that the
18 voter fraud is difficult to ascertain and define. But we had an
19 attorney general's investigation on this issue, did we not?

20 MR. WALLACE: We have perpetual attorney general
21 investigation --

22 MR. GUTIERREZ: And they certainly are the --

23 MR. WALLACE: -- pertaining to voter fraud.

24 MR. GUTIERREZ: And they are certainly the entity
25 that has the resources -- you would agree with me that they have



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1 more resources than you do by way of --

2 MR. WALLACE: For sure.

3 MR. GUTIERREZ: -- law enforcement and
4 investigators to go out and find this very problematic problem,
5 as you suggest. I mean, they have the resources to be able to
6 ascertain whether it's going on or not, do they not?

7 MR. WALLACE: The problem with that is, sir, is
8 that it is almost impossible to prove voter impersonation unless
9 you as an election judge say Mr. Aliseda is not Mr. Gutierrez.

10 MR. GUTIERREZ: But the State of Texas spent
11 \$1.4 million to investigate this so-called problem.

12 MR. WALLACE: Well, I can't help that.

13 MR. GUTIERREZ: And your ounce of prevention as
14 we so far have it is going to cost the taxpayers \$2 million,
15 which I don't believe. It's going to cost my county over half a
16 million dollars, which I don't believe. And yet at a time when
17 we have a budget crisis, we're asking people to go after a
18 problem that doesn't exist.

19 MR. WALLACE: Well, how much are legitimate
20 elections worth to you, sir?

21 MR. GUTIERREZ: Really? You really think that we
22 don't have credible elections in the United States of America?

23 MR. WALLACE: I think we have pretty good
24 elections, but I want to make them better.

25 MR. GUTIERREZ: Right. Thank you.



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1 CHAIRMAN BONNEN: Vice chair Veasey.

2 VICE CHAIRMAN VEASEY: Mr. Wallace, I just --

3 MR. WALLACE: Yes, Mr. Veasey.

4 VICE CHAIRMAN VEASEY: -- had one other thing
5 for you.

6 MR. WALLACE: Sure.

7 VICE CHAIRMAN VEASEY: Now, you -- you said that
8 you have heard certain things.

9 MR. WALLACE: Yes, sir.

10 VICE CHAIRMAN VEASEY: And that's one of the
11 concerns that I have about this bill and some of the allegations
12 that have been made since I've been in the legislature is that
13 there's a lot of innuendo, a lot of rumors, a lot of stories,
14 but no one can pinpoint, you know, one thing. It's just stories
15 that have circulated. How long have you been involved with the
16 election process?

17 MR. WALLACE: 20 years.

18 VICE CHAIRMAN VEASEY: 20 years?

19 And when did the voter impersonation become a
20 problem? Do you -- right --

21 MR. WALLACE: Probably within the last ten years.

22 VICE CHAIRMAN VEASEY: In the last ten years?

23 MR. WALLACE: Uh-huh.

24 VICE CHAIRMAN VEASEY: Okay.

25 MR. WALLACE: Or at least that's when people



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1 started, you know, telling me they thought that there was voter
2 fraud. And you -- like I said, we all -- you always have to go
3 back.

4 VICE CHAIRMAN VEASEY: Right.

5 MR. WALLACE: You can't prove it unless you know
6 the one presenting the fake ID or the -- or the fake voter
7 registration card.

8 VICE CHAIRMAN VEASEY: Here -- I -- the one thing
9 that interests me about, you know, the stories that you were
10 telling about, well, you know, this person, you know, you heard
11 that in this other county that someone else voted or used a fake
12 ID and one guy voted three times, but no one really knew what to
13 do, no one --

14 MR. WALLACE: That's right.

15 VICE CHAIRMAN VEASEY: The red universe -- you
16 know, take off your -- your unbiased, you know, election judge
17 hat and think about the red universe, you know, the -- the
18 republican universe. There are so many, you know, web blogs and
19 so many, you know, different, you know --

20 MR. WALLACE: I don't read all that mess.

21 VICE CHAIRMAN VEASEY: -- conservative web sites
22 and things like that that sort of -- and things, you know, get
23 around on those web sites.

24 MR. WALLACE: Sure.

25 VICE CHAIRMAN VEASEY: Why aren't there more



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1 specific stories that are being investigated by DPS and by the
2 attorney general's office through this network of conservative
3 blogs and conservative activists if there are so many specific
4 allegations of voter fraud and voter impersonation that are
5 taking place? I mean, you would think that, you know, with this
6 vast network, that we would already, you know, be knowing about
7 this and that the attorney general's office would be conducting
8 an investigation right now.

9 MR. WALLACE: Well, voter impersonation is what
10 we're talking about today. There's lots of different kinds of
11 voter fraud, but voter impersonation is the one particularly
12 working on in this deal.

13 VICE CHAIRMAN VEASEY: Right. But if there are
14 stories of voter impersonation that you've heard of from other
15 republicans around the state, surely I could go on -- I could,
16 you know, get my iPad right now and go on one of these
17 conservative blogs or one of these conservative web sites and
18 hear about specific stories and specific allegations of voter
19 fraud that have taken place. And undoubtedly, you know,
20 Attorney General Abbott would be investigating those claims
21 right now. But I know of no claims that have been investigated.
22 I know of no serious or credible stories that I've heard of on
23 any of these blogs or any of these sites. But if it's so
24 widespread and it's taking place and you -- and we know that
25 there are specific stories out there and not just innuendo and



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1 not just things that people have heard about certain areas or
2 certain neighborhoods, why are they not being investigated?

3 MR. WALLACE: Well, you've got to understand the
4 nature of the beast that you're dealing with in an election
5 judge. These are all volunteers. They do it once every two
6 years or maybe twice every two years. They are very hesitant to
7 call somebody to taw, so to speak, when they think there may be
8 voter impersonation because they're not sure. And unless
9 they -- unless I know you and you come in with Mr. Pena's card
10 and try to present that you're Aaron Pena, then I can call you
11 that. Well, under the law, I can't even do that. So
12 it -- election judges are very hesitant to bring these things
13 forward.

14 We need to provide a way for them to say,
15 you're -- you are not Aaron Pena. I don't know who you are, but
16 you're not Aaron Pena, and you've got Aaron Pena's card. I --
17 you know --

18 MS. HARLESS: Mr. Chairman, may I?

19 CHAIRMAN BONNEN: Well, I don't know if Vice
20 Chair Veasey is finished.

21 VICE CHAIRMAN VEASEY: I'm done. Yes. I'm
22 finished. Thank you.

23 CHAIRMAN BONNEN: Representative Harless.

24 MR. WALLACE: Yes, sir. Thank you.

25 MS. HARLESS: Representative Veasey, we will have



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1 someone here from the AG's office to talk about any specific
2 cases that have been prosecuted.

3 VICE CHAIRMAN VEASEY: Thank you.

4 MS. HARLESS: Thank you.

5 CHAIRMAN BONNEN: Thank you. Any other questions
6 of Mr. Wallace?

7 MR. TAYLOR: If I could just make a comment.

8 CHAIRMAN BONNEN: Sure. Representative Taylor.

9 MR. TAYLOR: I think Mr. Wallace had done a
10 pretty good job of laying out the fact that it's very difficult
11 to prove, unless you absolutely know the people. And the idea
12 that we have a loophole out there that people are aware of that
13 could be driven through with a truck and we just allow that to
14 continue without closing that loophole, basically, we can't
15 prove a case, it's almost unprovable at this point is a little
16 bit of a stretch. And I think Mr. Wallace has done a good job
17 of presenting his view. Thank you.

18 CHAIRMAN BONNEN: Representative Aliseda. We
19 have a lot more witnesses than just him. So --

20 MR. WALLACE: I'm not the only one.

21 CHAIRMAN BONNEN: Well, we're -- we're not --
22 believe me, we're not waiting for any expert.

23 MR. WALLACE: I'm one of these volunteer experts.

24 MR. ALISEDA: There's two purposes served by this
25 statute.



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1 MR. WALLACE: Yes, sir.

2 MR. ALISEDA: Is that not correct?

3 One is to stop actual voter fraud, and the other

4 is to --

5 MR. WALLACE: Whatever voter fraud there is.

6 MR. ALISEDA: Voter impersonation. And the other

7 is to build confidence in the system among the citizens --

8 MR. WALLACE: Yes, sir.

9 MR. ALISEDA: -- is that not correct?

10 MR. WALLACE: I would say that, yes.

11 MR. ALISEDA: And there is a perception by the

12 public that there is voter fraud or voter impersonation

13 occurring; is that not right?

14 MR. WALLACE: I believe so.

15 MR. ALISEDA: And it's not because it's a

16 republican or democrat issue. You've cited that even democrats

17 believe voter ID is a requirement, should be a requirement?

18 MR. WALLACE: Yes, sir.

19 MR. ALISEDA: Part of this perception comes out

20 from newscasts, for example, of voter registration drives where

21 Mickey Mouse was registered; is that not correct?

22 MR. WALLACE: That, and even illegal aliens

23 registering people in the Houston area.

24 MR. ALISEDA: All right.

25 MR. WALLACE: I know there's some documented



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1 cases on that.

2 MR. ALISEDA: And you believe that this statute
3 would help instill voter confidence --

4 MR. WALLACE: I do.

5 MR. ALISEDA: -- in the system; is that right?

6 MR. WALLACE: I've been very much supportive of
7 this for the last eight years.

8 MR. ALISEDA: I have no further questions.

9 CHAIRMAN BONNEN: Any other questions, members?

10 Thank you very much.

11 MR. WALLACE: Thank you, sir.

12 CHAIRMAN BONNEN: Thank you.

13 MR. WALLACE: Thank you.

14 CHAIRMAN BONNEN: Chair calls David Carter. He
15 is here to represent himself as a private individual. He is
16 testifying for the committee substitute to House Bill 14. Thank
17 you.

18 MR. CARTER: David Carter, Temple, Texas. I've
19 been an election judge. I retired from the Air Force in 1993
20 and have been functioning as a judge, a clerk, since that time.
21 I've been searching for the logical connection, someplace where
22 I could prove voter fraud. And until about three weeks ago or
23 four weeks ago, I could not find it. I had to just back off and
24 say I really don't have that much concern about voter fraud.

25 But I sat at the desk of Karen Richards, about 30



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1 years' experience in the Secretary of State Elections Division,
2 and I inquired -- I was -- I was asking about what happens when
3 you register to vote and you take that form and you check, "I
4 have not been issued a Texas driver's license/personal
5 identification number or Social Security number"? I said, What
6 happens when you do that? She says, As that -- as that comes
7 from the county up to the statewide voter registration database
8 that she maintains, they automatically send that back to the
9 county registrar, saying put this person on the registration
10 list with an S, with a suspense.

11 Now, suspense normally refers to a voter ID card
12 that's been returned in the mail because they've moved, you
13 know, a couple of blocks over. But it also -- the S also
14 pertains to people who say, I have no ID at all. At that point,
15 all that person has to do to vote under the current Texas
16 election code is wait till the next election, show up with a
17 utility bill that has his name, his or her name, and that
18 address that's on the voter registration list, and they're
19 allowed to vote.

20 In Houston, ACORN and various other advocacy groups
21 are going out in the neighborhoods, going to the homes where
22 there are not registered voters, and they're suggesting to them
23 that they check the one you don't have ID whether -- whether or
24 not they have a driver's license or not. And this checkmark
25 is in the database. Karen Richards can give you a report like



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1 she gave Senator Williams while I was sitting at the desk. He
2 was on the phone with her, asking how many people -- and I'm not
3 sure what geographic area he was looking for, probably
4 Houston -- how many people checked that.

5 There isn't anybody -- you talk about resources.
6 Nobody has the resources to go and check out all these things.
7 There's nobody doing it because they don't have the resources.
8 They don't have the mandate to do it. So my four points for my
9 testimony in the last 15 seconds is this bill is really about
10 proof of citizenship. It's not about fraudulent voters or just
11 ID. The danger of voter fraud is the illegals that come into
12 this country, fraudulently commit perjury, commit -- say they're
13 citizens, and they get automatically on the voter list. That's
14 a problem. And the photo ID kills that problem. It solves it
15 with no changes to registration or anything else. Voter ID is
16 the only thing that can fix the problem.

17 CHAIRMAN BONNEN: Thank you, Mr. Carter.

18 MR. CARTER: Proof of citizenship.

19 CHAIRMAN BONNEN: Representative Hochberg has a
20 question. Mr. Carter, Representative Hochberg --

21 MR. HOCHBERG: Mr. Carter, thank you. You know,
22 I -- since, as you know, DPS is the only one who checks
23 citizenship, not the voter registrar, then I imagine -- let me
24 ask you about a proposal and see -- just get your reaction to
25 it. If ultimately what we're doing here is attempting to, I



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1 guess, overlay the DPS database on top of the voter registration
2 database or essentially make sure that they match, make sure
3 that you can find somebody in DPS, make sure they've been issued
4 a driver's license?

5 MR. CARTER: The Secretary of State Elections
6 Division looks at when the -- if a person should properly fill
7 this form out and say they have a driver's license number, they
8 do check that to make sure the name and the license number
9 match. If they don't match, they send it back and say don't --
10 don't register this person.

11 MR. HOCHBERG: I understand that. And they --
12 and they send back --

13 MR. CARTER: Okay. What was your question then?

14 MR. HOCHBERG: So my question is why do we need a
15 voter registration system at all?

16 MR. CARTER: Well, because the --

17 MR. HOCHBERG: Why don't we --

18 MR. CARTER: Because in the --

19 MR. HOCHBERG: Why don't we just --

20 MR. CARTER: The --

21 MR. HOCHBERG: Let me make sure you understand
22 what I'm asking before I answer --

23 MR. CARTER: I understand perfectly the question.

24 MR. HOCHBERG: -- before you answer the question.

25 Why don't we just chuck this whole system --



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1 MR. CARTER: Swipe the ID card, swipe the
2 driver's license.

3 MR. HOCHBERG: Why don't we just chuck this whole
4 system where we don't have -- we don't have registration at all.
5 And if you've got a driver's license, that's the voter
6 registration for you --

7 MR. CARTER: That's a good --

8 MR. HOCHBERG: -- or you have a state ID.

9 MR. CARTER: It's a good concept because when you
10 early vote, they just swipe your driver's license. You don't
11 show your voter ID card or anything else, and it --

12 MR. HOCHBERG: That's not true, at least where I
13 do it.

14 MR. CARTER: Well -- well, they -- they looked
15 at -- as they swipe your driver's license, it brings up your
16 name and address. It does do that.

17 CHAIRMAN BONNEN: I early vote continually. I've
18 never had my driver's license swiped.

19 MR. CARTER: If you don't have your registration
20 card, they'll take your driver's license. And it will bring
21 up --

22 MR. HOCHBERG: But they don't swipe it.

23 MR. CARTER: Yeah. They do. In Bell County they
24 do.

25 MR. HOCHBERG: Okay. Well, they don't in



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1 Brazoria County.

2 MR. CARTER: Okay. So -- but where they swipe
3 it --

4 MR. HOCHBERG: I want to be clear it's not a
5 statewide --

6 MR. CARTER: Or if they look at it, they see that
7 the name and the address are the same.

8 MR. HOCHBERG: But I guess just back to my
9 question.

10 MR. CARTER: Well, to answer -- to answer your
11 question --

12 CHAIRMAN BONNEN: Well, real -- Representative
13 Hochberg, I want -- I want to be clear. That occurs in some
14 counties, but is not a statewide technology that is being
15 implemented.

16 MR. CARTER: Right. And -- it's either --

17 CHAIRMAN BONNEN: So that's fine. That's --

18 MR. CARTER: Either you swipe it or you look at
19 it.

20 CHAIRMAN BONNEN: No, no. We understand that. I
21 just want to make clear that the ability to swipe is not being
22 done on a statewide basis.

23 Representative Hochberg.

24 MR. CARTER: But they can present the ID and
25 driver's licence.



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1 CHAIRMAN BONNEN: We understand that. We
2 understand that.

3 MR. CARTER: Okay. So the answer to your
4 question is, is down in where I served for 15 years, I went over
5 the precinct maps for all the precincts in Justin County, 100
6 and -- about 101 precincts. Some of them had six people, some
7 of them had 3,500. But those precincts are drawn based on the
8 Port of Beaumont -- excuse me -- the Port of Port Arthur taxable
9 authority. There's all kind of different entities. And these
10 maps are drawn for very specific purposes of the county court
11 and the various taxing and legal agencies. So precinct lines
12 are important. Your address --

13 MR. HOCHBERG: I don't doubt that.

14 MR. CARTER: To simply bring in a driver's
15 license and say I live at this address, I want to vote because
16 the --

17 MR. HOCHBERG: No, no. You'd have to vote in the
18 right precinct.

19 MR. CARTER: You have to give --

20 MR. HOCHBERG: I'm asking if you're concerned
21 that ACORN and other volunteer groups and volunteers from either
22 party are out inexperienced, doing wrong things, then couldn't
23 we solve all the problems that this bill attempts to solve and
24 then a whole lot of others by replacing the existing voter
25 registration system and just letting DPS do that?



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1 MR. CARTER: Well, I'm trying to answer your
2 question. I understand your question --

3 MR. HOCHBERG: Okay.

4 MR. CARTER: -- Mr. Hochberg.

5 The answer to the question is, is that the
6 counties and the various taxing entities have a very big
7 interest in the lines of those maps and the fact that a person
8 is properly pegged in this precinct, not in this precinct.

9 MR. HOCHBERG: Well --

10 MR. CARTER: The -- their driver's license, the
11 encoding on that, or whatever else it is you're asking that they
12 present wouldn't be able to delineate what tax -- the ballot you
13 get. The automated ballot machine, the last time I served as a
14 clerk down in deep west Port Arthur, we had -- on the machine,
15 they have to select, you know -- the ballot that comes up on the
16 screen depends on how they're registered. Registration is a big
17 deal. It's not just to be a citizen of Texas.

18 MR. HOCHBERG: At times it doesn't appear -- it
19 doesn't --

20 MR. CARTER: Beg your pardon?

21 MR. HOCHBERG: It depend -- that -- well, I don't
22 want to -- thank you for your answer. I don't want to--

23 MR. CARTER: Okay. I think that's -- that's a
24 pretty good answer that it's important to be registered
25 properly.



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1 CHAIRMAN BONNEN: Right. Thank you.

2 Representative Veasey has a question.

3 MR. CARTER: Yes, sir, Mr. Veasey.

4 VICE CHAIRMAN VEASEY: One of the things that
5 President Bush tried to accomplish but he was not able to, 43,
6 not 41, was that he talked about bringing people out of the
7 shadows and trying to pass the immigration reform bill so people
8 could assimilate into society and work, become citizens. And I
9 specifically remember the term, you know, bringing people out of
10 the shadows. Why would people that are in the shadows, why
11 would they want to risk a jail sentence by casting a vote as an
12 illegal alien?

13 MR. CARTER: That's a very good question. The
14 question, if I understand it, is why would somebody risk going
15 to jail? But down here it says I --

16 VICE CHAIRMAN VEASEY: Especially someone that
17 likes to live in -- live in the shadows.

18 MR. CARTER: -- I am a resident. I have not
19 been, da, da, da, and I sign this. And it says: I understand
20 giving false information to procure voter registration is
21 perjury and a crime under state and federal law. Jail up to 180
22 days. That would make it a misdemeanor, I believe, less than a
23 year. Fine up to \$2,000.

24 So why would a person risk this? It's because
25 there is no enforcement activity. There's no history in the



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1 secretary -- in the attorney general's office or any of the
2 county offices. There isn't anybody with the resources or the
3 time to go out and do this, to verify these things. They
4 can input what they want, and they are, in fact, doing it. And
5 if I were -- if I were a representative, I would introduce a
6 bill to put everyone in the state on suspense, and they would
7 have to show proof of citizenship because that's the first
8 question: Are you a United States citizen? People are lying
9 about that. They're fraudulently registering, and they're
10 fraudulently voting, and they'll continue to do so.

11 CHAIRMAN BONNEN: Thank you.

12 Representative Gutierrez.

13 MR. CARTER: Yes, sir.

14 MR. GUTIERREZ: I'm sorry. He made me laugh.

15 I appreciate your testimony.

16 MR. CARTER: Thank you.

17 MR. GUTIERREZ: Let me ask you this: So it's
18 your contention that there's hoards of illegal immigrants coming
19 to vote in Texas?

20 MR. CARTER: Yes.

21 CHAIRMAN BONNEN: Really?

22 MR. CARTER: I'm on the border. I watch them
23 come across. I'm in Bell -- Bell County.

24 CHAIRMAN BONNEN: Well, Mr. Carter, you're
25 not representing that they're coming here for the pure purpose



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1 of voting. You're suggesting that there are a number --

2 MR. CARTER: No. I just answered the question.
3 He said there's a lot of them that are voting, yes.

4 CHAIRMAN BONNEN: I'm not questioning you on
5 that. His comment was that they are coming here for that
6 purpose.

7 MR. CARTER: Oh, I didn't --

8 CHAIRMAN BONNEN: Correct.

9 MR. CARTER: I didn't hear that part of the
10 question. Is that what you said? You asked if they're coming
11 here for -- for voting?

12 MR. GUTIERREZ: Let me rephrase.

13 It's your contention that there's hoards of
14 illegal immigrants that come to the United States for whatever
15 reason and just choose to go to the ballot box to go cast their
16 vote and commit voter impersonation?

17 MR. CARTER: Well, that's an important thing.
18 They -- I think it's important for this -- all the members of
19 this committee to have a clear distinction between voter
20 impersonation and being a non-citizen. I think the problem of
21 voter impersonation is a minuscule problem, and it's very hard
22 to do, and I think that having -- getting three fake IDs would
23 be a real problem. I don't worry about that. I worry about a
24 20 percent increase in the state population of illegal aliens
25 coming across in McAllen and Mission and points further west,



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1 Laredo, and not being caught by Border Patrol and not being
2 detected in the interior --

3 CHAIRMAN BONNEN: We -- Mr. Carter --

4 MR. CARTER: -- and they're registering to vote.
5 They are being registered.

6 CHAIRMAN BONNEN: Mr. Carter. Mr. Carter, with
7 all due respect, this is about voter ID --

8 MR. CARTER: I answered the question.

9 CHAIRMAN BONNEN: Well, I understand. It is not
10 an issue about whether our borders are secured and those type of
11 things or --

12 MR. CARTER: Excuse me. I didn't mean to imply
13 that.

14 CHAIRMAN BONNEN: I understand. But let's stay
15 on the issue of voter ID.

16 MR. CARTER. Okay. Okay. His question, though,
17 is about if they're coming across.

18 CHAIRMAN BONNEN: I understand his question.

19 MR. CARTER: And the photo ID, this -- this
20 bill -- this bill will stop that practice.

21 MR. GUTIERREZ: His response, Mr. Chairman,
22 brings about the next question.

23 CHAIRMAN BONNEN: I figured it would.

24 MR. GUTIERREZ: So they're out there voting --

25 MR. CARTER: Uh-huh.



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1 MR. GUTIERREZ: -- and you stated that this is
2 not voter impersonation. Are they voting as Juan Valdez or, you
3 know --

4 MR. CARTER: No. They're voting under the name
5 that they pay their utilities at, where they've been housed and
6 illegally harbored --

7 MR. GUTIERREZ: Yeah.

8 MR. CARTER: -- in violation of federal law. And
9 they check I'm a U.S. citizen, and they get to vote.

10 MR. GUTIERREZ: So hoards of illegal immigrants
11 are voting?

12 MR. CARTER: Okay.

13 MR. GUTIERREZ: All right.

14 MR. CARTER: Yes. Absolutely.

15 MR. GUTIERREZ: Very good.

16 MR. CARTER: That's my concern.

17 MR. GUTIERREZ: And yet no district attorney has
18 found it --

19 MR. CARTER: No.

20 MR. GUTIERREZ: -- no law enforcement's found it.

21 MR. CARTER: Nobody has the task to verify this.

22 MR. GUTIERREZ: So they're like a ghost?

23 MR. CARTER: You might want to appropriate some
24 money and give them some money to do it, let them go do it.

25 CHAIRMAN BONNEN: Representative Pena has a



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1 question.

2 MR. GUTIERREZ: Very good. Thank you, sir.

3 MR. CARTER: Yes, sir.

4 MR. PENA: I live down in McAllen, Edinburg area.

5 MR. CARTER: Great.

6 MR. PENA: And I support the voter ID bill.

7 MR. CARTER: Thank you.

8 MR. PENA: But I want -- I just want to make the
9 record clear. There really aren't hoards of illegal immigrants
10 voting. I observe elections quite closely, and I do have a lot
11 of complaints about areas of voter fraud that need to be
12 addressed, but this is really not something the general public
13 should get riled up about.

14 In my experience, and I've -- you know, I've been
15 involved in politics for a long time. I've simply not seen
16 large numbers of illegal immigrants voting. So I think we need
17 to move on to things that --

18 CHAIRMAN BONNEN: Right.

19 MR. PENA: -- that are probably -- that we can
20 address. Because I don't see that problem. And I'm there, and
21 I support the bill. And you'll see other people here from the
22 audience from South Texas who will probably tell you the same
23 thing.

24 MR. CARTER: Okay. Well, I support the bill
25 because it would fix the problem whether it exists or not.



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1 CHAIRMAN BONNEN: That really wasn't the
2 question, though. Thank you.

3 MR. CARTER: Okay. All right.

4 CHAIRMAN BONNEN: Thank you, Representative Pena.
5 Any other questions of Mr. Carter?

6 Thank you very much for being here, Mr. Carter.

7 MR. CARTER: Thank you.

8 CHAIRMAN BONNEN: William Butch Marsalis.

9 MR. MARSALIS: Marsalis.

10 CHAIRMAN BONNEN: Marsalis.

11 MR. MARSALIS: Yes, sir.

12 CHAIRMAN BONNEN: Thank you, sir. Okay. If
13 you'd let me finish introducing you, I'd appreciate that.

14 MR. MARSALIS: Okay.

15 CHAIRMAN BONNEN: He's president of the Panola
16 County Conservatives, Panola County Conservatives. He is here
17 to testify for the committee substitute to House Bill 14. Thank
18 you.

19 MR. MARSALIS: Thank you, sir. And I apologize.

20 Lady and gentlemen, my wife, Karen L. Marsalis,
21 and I, William R. Marsalis, from Panola County, Texas. We
22 strongly support passing without amendment and without exception
23 Texas Senate Bill 14 to require a photo ID to be allowed to
24 vote. We are both 65. And when we applied for Social Security,
25 we were required to show a photo ID and our Social Security



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1 card. Our bank requires a photo ID in order to cash checks,
2 particularly above a certain dollar amount. The other day at
3 Wal-Mart, I was required to show a photo ID in order to use my
4 credit card --

5 CHAIRMAN BONNEN: Sir.

6 MR. MARSALIS: -- to make purchases.

7 CHAIRMAN BONNEN: Are you supporting the
8 substitute to the bill or --

9 MR. MARSALIS: No, sir. I'm -- I'm supporting --

10 CHAIRMAN BONNEN: So you're not here to
11 testify on this --

12 MR. MARSALIS: -- without -- in support. I'm
13 supporting without amendment.

14 CHAIRMAN BONNEN: Are you testifying on the
15 substitute?

16 MR. MARSALIS: I read the substitute, and I -- I
17 support the bill without those amendments and --

18 CHAIRMAN BONNEN: Without --

19 MR. MARSALIS: -- without the exceptions. No
20 exceptions.

21 CHAIRMAN BONNEN: Okay.

22 MR. MARSALIS: No exemptions, I should say. I
23 think the wording was exemptions.

24 CHAIRMAN BONNEN: Okay. So then you oppose the
25 substitute. Because the bill, as passed through the Senate, and



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1 the substitute both have exemptions.

2 MR. MARSALIS: I would really rather see it
3 without exemptions, but I support --

4 CHAIRMAN BONNEN: I understand.

5 MR. MARSALIS: -- having a photo ID required to
6 vote.

7 CHAIRMAN BONNEN: Okay. So are you testifying
8 for the substitute, because that's what's before us?

9 MR. MARSALIS: I am supporting a photo ID with --

10 CHAIRMAN BONNEN: I understand that.

11 MR. MARSALIS: Yes, sir.

12 CHAIRMAN BONNEN: Are you --

13 MR. MARSALIS: Yes, sir.

14 CHAIRMAN BONNEN: -- testifying on the
15 substitute?

16 Thank you.

17 MR. MARSALIS: Yes, sir.

18 CHAIRMAN BONNEN: That's what I needed to hear.

19 MR. MARSALIS: All right. Also, when I entered
20 Fort Belvoir Army post to visit our son, we was required to show
21 a photo ID in order to get on the post. In 2009, at the
22 Marshall Lowe's, I was required to show a photo ID to buy a lawn
23 mower battery. We understand and agree totally with having
24 photo ID to prove who we are to our bank, to the Social Security
25 Administration, to Wal-Mart, to anyone else. We do not



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1 understand showing a photo ID to buy a lawn mower battery;
2 however, we did without complaint.

3 We do not require to show a photo ID to vote. With
4 the ease of registering to vote, the system is ripe for abuse.
5 The only logical explanation or reason that I can see and my
6 wife can see and the Panola County Conservatives can see with
7 opposing the requirement to have a photo ID to vote is to keep
8 the situation ripe for abuse and to ease -- easier for people to
9 vote multiple times or to vote for someone else's voter card.
10 Please pass this Senate Bill 14 to require a photo ID to be
11 required to vote. Thank you.

12 CHAIRMAN BONNEN: Thank you very much for being
13 here.

14 Any questions, members?

15 Thank you. Appreciate having you here today.

16 Cynthia Le Pori -- I hope I got that
17 right -- representing yourself, is here to testify for committee
18 substitute to Senate Bill 14.

19 MS. LE PORI: Yes. Hi. I'm not representing any
20 large group of people. I'm just representing myself as a U.S.
21 and Texas citizen. I do not understand why --

22 CHAIRMAN BONNEN: Would you -- I -- ma'am --

23 MS. LE PORI: Excuse me?

24 CHAIRMAN BONNEN: -- and for everybody, when you
25 come up to testify, I know it's peculiar because I've just said



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1 your name and called you up, but please, when you come up, for
2 the record, we need you to state your name.

3 MS. LE PORI: Oh, I'm so sorry.

4 CHAIRMAN BONNEN: For the -- no, no, no. No, no.
5 It's okay.

6 So just for everybody, please state your name and
7 that you're testifying for the committee substitute or against
8 the committee substitute, and then you can go from there. Thank
9 you.

10 MS. LE PORI: Okay. Sorry about that.

11 CHAIRMAN BONNEN: No, no, no. You're okay.
12 Thank you.

13 MS. LE PORI: Here's my question. If we do
14 have --

15 CHAIRMAN BONNEN: All right. Well, would --
16 would you go ahead and do that, though?

17 MS. LE PORI: Cynthia Le Pori. I'm sorry.

18 CHAIRMAN BONNEN: Thank you. There you go.

19 MS. LE PORI: I'm Cynthia Le Pori.

20 CHAIRMAN BONNEN: And you're for the committee
21 substitute --

22 MS. LE PORI: And I am -- yes, sir, I am.

23 CHAIRMAN BONNEN: -- for Senate Bill 14.

24 Thank you. Could you say that for us?

25 UNKNOWN SPEAKER: Start her time over.



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1 CHAIRMAN BONNEN: Yeah. We'll handle the time,
2 sir. We --

3 MS. LE PORI: Well, actually, I don't need you to
4 start my time over --

5 CHAIRMAN BONNEN: Okay.

6 MS. LE PORI: -- because I don't really have a
7 whole lot to say.

8 CHAIRMAN BONNEN: Okay. Would you say that
9 you're testifying for the committee substitute Senate Bill 14?

10 MS. LE PORI: Yes, I am.

11 CHAIRMAN BONNEN: Thank you.

12 MS. LE PORI: Uh-huh.

13 Here's my question: If we do have to show an ID,
14 a picture ID, for something as simple as cashing a check, which
15 is completely understandable, why would it make sense for anyone
16 not to have to show a picture ID for someone to do something as
17 serious as vote? It just doesn't make any sense to me. I think
18 it's ridiculous. I think we have to prove as citizens -- we
19 have to prove our ID for some of the simplest things, so it's
20 just common sense to me. Let's bring some validity and some
21 honesty to our voter process. And that's my only comment.

22 CHAIRMAN BONNEN: Great. Thank you very much.

23 Any questions, members?

24 Thank you. Appreciate your being here.

25 Robert Green, a -- representing himself, a



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1 retired state employer -- or a state employee for 30 years is
2 here to testify for Senate Bill -- committee substitute Senate
3 Bill 14.

4 MR. GREEN: Mr. Chairman, members of the
5 committee, my name is Bob Green, and I am a 30-year state
6 employee, still active. I still have a couple in college, so I
7 owe, I owe, so it's off to work I go.

8 But yes, I am here today to testify in favor of
9 the committee substitute for Senate Bill 14. I have submitted a
10 little -- very small, one-page bit of testimony, and I -- most
11 of the other people who have come up here before I have spoken
12 have talked about many of the points that are pertinent to this
13 situation. And I'd like to just say that it all boils down to a
14 very simple situation. I am a deputy voter registrar also here
15 in Travis County. And if I'm sitting behind the desk and
16 someone presents them self in front of me, one basic principle I
17 think is important to everybody, that one identifiable
18 individual who is not otherwise disqualified from casting a
19 ballot in the election being held and at the polling place where
20 he or she appears in person to do so equals one eligible voter.
21 That's what this whole thing boils down to.

22 It's not like we're trying to reinvent the wheel
23 or anything else. People have mentioned the fact that just
24 virtually every business transaction that we carry out in person
25 requires the presentation of a voter ID, a picture ID, so that



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1 that individual knows that the person that's presenting the
2 credit card or is signing the piece of paper or what, that they
3 are the person that is there, that they can be identified. And
4 that's really all I have to present to this committee. It's as
5 simple as that, is that we need to maintain the integrity of
6 our -- of our vote, of our election. It's all about integrity,
7 and it's all about the reputation of our country, and so that
8 people can feel confident in our election process.

9 CHAIRMAN BONNEN: Thank you very much.

10 MR. GREEN: Thank you.

11 CHAIRMAN BONNEN: Any questions, members?

12 Thank you, Mr. Green.

13 MR. GREEN: Thank you.

14 CHAIRMAN BONNEN: Appreciate your being here.

15 Mr. Bledsoe, have you filled out your witness
16 affirmation?

17 MR. BLEDSOE: Yes, sir. Let me grab it.

18 CHAIRMAN BONNEN: Would you please bring it
19 forward. We'd like to call you up at this time as one of our
20 expert witnesses. Sorry to do that to you, but we want to get
21 these experts up early. Mr. Char will take that affirmation.

22 MR. BLEDSOE: Okay. Sure. I think he -- yeah --
23 has already handed it in. So we already have that.

24 CHAIRMAN BONNEN: Oh, very good.

25 This is Mr. Gary Bledsoe representing the NAACP,



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1 and I imagine you're here to testify against the committee
2 substitute Senate Bill 14?

3 MR. BLEDSOE: That's correct. That's correct.

4 CHAIRMAN BONNEN: Very good. Thank you, Mr.
5 Bledsoe. Go ahead and state your name for the record and begin.
6 You have ten minutes --

7 MR. BLEDSOE: Okay.

8 CHAIRMAN BONNEN: -- and then the committee will
9 be able to ask you questions.

10 MR. BLEDSOE: Okay. Thank you very much.

11 CHAIRMAN BONNEN: Thank you, Mr. Bledsoe.

12 MR. BLEDSOE: I want to thank all of you for
13 giving me the opportunity to appear before you. And I appear
14 here --

15 CHAIRMAN BONNEN: Mr. Bledsoe, don't forget to
16 state your name and -- and who you're with for the record.

17 MR. BLEDSOE: Okay. My name is Gary Bledsoe.
18 I'm the president of the Texas State Conference of NAACP
19 branches. And I'm here as a fellow Texan to discuss with you
20 what I feel is a proper direction for us to move in if we're
21 going to be fair and right.

22 Now, we've observed that many activities have occurred
23 within our state that have been somewhat problematic, that have
24 caused individuals to feel as though it's appropriate to
25 intimidate minorities from voting. And indeed, each election



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1 cycle we have election teams. And our election teams around the
2 state are required to submit information to us and work with us
3 from what's called an election central to work on issues of
4 election intimidation, election irregularities.

5 And we have found numerous problems in many
6 places around the state, whether it's Harris and Fort Bend not
7 allowing individuals to exercise challenged ballots, whether
8 it's individuals who are intimidating persons within the voting
9 site, whether it's individuals in Bell County who are being
10 accosted and interrogated by individuals. But the election
11 officials are not stepping in to assist the voters. So we've
12 seen problems recently, whether it's Texarkana or Fort Worth or
13 Wharton County or Harris County. The election irregularities
14 are everywhere.

15 And so the fundamental point we want to make is
16 that the Voting Rights Act would suggest to us that we should do
17 what we can to ensure minority participation in voting. And
18 we've seen a much larger problem with the issue of voter
19 intimidation and voter irregularities than we've seen with the
20 issue of the need for an identification. The evidence just is
21 not there to say that we need a voter identification
22 requirement. However, I understand that other people have
23 different points of view.

24 Our point of view is that if you do desire to go
25 ahead and address the issue of voter identification, that you do



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1 that in a way that is measured, that is intended to ensure
2 minority participation in the election system so that we can
3 comply with the Voting Rights Act and so that all people will
4 have an opportunity to participate in the process. What we
5 feel, what our position has always been is that we want both
6 parties competing for the minority vote and not to have any
7 individual saying that we want you -- we want to cut you out
8 because you vote a certain way; so therefore, we're going to
9 stop you from being able to vote.

10 We think what the Voting Rights Act suggests is
11 that if you empower minorities with the power to vote, that
12 parties should go out and compete with ideas and not with
13 activities that will undermine the ability of African-Americans
14 to be able to vote.

15 You know, in Texas, we have a sordid history in
16 reference to African Americans not being able to vote. You
17 know, back in 1974, in Palestine, Texas, Frank Robinson, who
18 had -- was a legendary civil rights advocate who was working to
19 get African-Americans registered when that was somewhat new in
20 our state, was actually killed at his home. And 1974 is not
21 that long ago, my friends. And so -- and we still continue to
22 have the problems that we had.

23 Now, as far as the -- I know much has been made
24 of the laws in other states. And I would say that if we took a
25 look at the Indiana law and took a look at the Georgia law,



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1 those laws are better than the law that's actually put forth
2 before you. And indeed, Georgia is a covered jurisdiction. But
3 there's one thing that's very different about Georgia that we
4 don't have in this state. In Georgia, they -- they had a law
5 that mandated that every citizen in the State of Georgia had to
6 have -- had to have a state issued identification card, whether
7 it's a driver's license or some other identification. This is
8 the -- and I get this from the source of the United States
9 Department of Justice. And so when they implemented the
10 requirement, everyone in Georgia had the voter identification
11 card. And so here we know that number is -- that we have a
12 significant number of people who don't have the proper
13 identification. And I know last time when there was a lot of
14 discussion about compromise and there was some compromises that
15 were reached in reference to a proposed voter identification
16 bill, that there were many other ways, more, many more than what
17 are provided in this bill, that would enable someone to actually
18 prove that they are who they say they are.

19 You know, we have a great concern with the
20 hostility that we've observed from election officials around the
21 state that -- we have a great concern that they will be fair,
22 that those election officials will exercise their authority in
23 an even-handed way. When you're not allowing people to cast
24 challenged ballots, that's a problem. And so what we want is to
25 suggest that let's provide other means and measures, and the law



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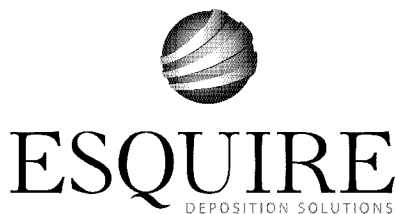
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1 should provide guidelines, because when you allow too much
2 discretion without direction to an election official then we
3 understand that they will probably be exercised in a way that is
4 not fair across the board. And so when you arm them with so
5 much information or so much authority, we think that's
6 problematic.

7 Now, the -- some of the activities that we have
8 identified, I've laid out to you, but I want to talk
9 specifically about the laws. You know, I think that, indeed,
10 when you allow an individual -- we need to have more time to
11 allow an individual to go in and to prove who they are if we're
12 going to have a voter ID requirement. Because let's stand back.
13 We have a law that says you should allow someone to have two
14 hours off if you're going to go and vote. But we don't have the
15 same opportunity for an individual to come in and to prove that
16 they are who they say they are, to go ahead and consummate what
17 needs to be consummated with their challenged ballot.

18 Now, the people who are likely to be challenged
19 are, by and large, people who have jobs, who have got to work.
20 They're individuals who won't have the latitude. And let's say
21 we live in some other county and outside the county, and you've
22 got to drive 50 miles to the county seat or what have you to be
23 able to do this. And so that's problem.

24 Now, the other problem too is when we look at the
25 number of people who don't have the requisite kinds of



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1 identification cards that -- what will be in place to really
2 enable those individuals to be able to register and vote. I
3 think the one thing that's clear is that there are a number of
4 locations within our state such as down in Presidio County where
5 people who may be of limited means, who don't have a ready
6 availability of transportation, are not going to be able to
7 easily afford or afford at all to go and -- to go to the nearest
8 driver's license office 50, 75 miles away and to get a driver's
9 license. So those individuals are going to be in a very
10 difficult position because the logistics just aren't there for
11 them. So I think that it needs to be a lot friendlier in terms
12 of the ability to get an identification requirement.

13 You know, the law -- and I think that the criminal
14 provision in the law, where you've stepped up the penalty in the
15 proposal to a second degree felony, is somewhat draconian. I
16 think current law allows for felony prosecution. I think
17 stepping this up to a second degree will have a chilling effect
18 on individuals. We know the case about the Prairie View 19 in
19 Waller County where that county continues to have problems. You
20 know, that was the county a few years back that had numbers of
21 votes that were registered or applications for voter
22 registrations for African-Americans that were not processed
23 before the election. And it was only after the attorney
24 general's office was there and observed those that they were
25 required to go ahead and process those applications. But those



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1 voters were not allowed to vote. And I'm talking about things
2 in current days. These are not things from yesteryear. These
3 are not things from 10, 20 years ago. So we have a lot of
4 problems there we're seeing. So in a wholistic way, we don't
5 think we need a law, but if we do, let's get a law that's fair
6 where minorities can continue to compete and to be part of the
7 process.

8 CHAIRMAN BONNEN: Thank you, Mr. Bledsoe.

9 MR. BLEDSOE: Thank you, sir.

10 CHAIRMAN BONNEN: Appreciate your time today.

11 Representative Taylor has a question.

12 REPRESENTATIVE TAYLOR: Did I had hear you say
13 that the Georgia and Indiana laws are better than what is being
14 proposed here?

15 MR. BLEDSOE: Yes, they are.

16 REPRESENTATIVE TAYLOR: The only thing you
17 referred to different was the time to provide proving who you
18 are, correct? After the -- you don't have photo ID so you have
19 two days, six days, ten days to present proof?

20 MR. BLEDSOE: That's one item.

21 REPRESENTATIVE TAYLOR: And I'm just --

22 MR. BLEDSOE: Their laws are not the same.

23 REPRESENTATIVE TAYLOR: Because Georgia only
24 allows two days and this bill as proposed allows six days. So
25 I'm just curious what other areas do you think the Indiana and



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1 Georgia laws are better than what's being proposed here?

2 MR. BLEDSOE: Okay. The -- one thing is Georgia
3 allows a valid employee ID card containing a photograph from any
4 branch, department, agency or entity of U.S. government or
5 Georgia or any county, municipality, board, authority or other
6 entity of the state. I think that's large. It allows valid
7 tribal identification cards. The -- it also does provide -- and
8 I think this committee substitute may have addressed this part,
9 but I remember the idea about the part of the expired driver's
10 license, that you could have an expired driver's license and
11 actually have that work as well. I know in Indiana the -- any
12 state, federal, local government employee identification was
13 permitted there. The -- let's see here.

14 In Indiana and Georgia the hard data that existed
15 -- there was hard data that both Indiana had and that Georgia
16 had that did show that almost every eligible voter had the
17 identification. I don't think we've generated the hard data
18 here to do that. And I do think that there were student
19 identifications that were permitted in one or both of those
20 states. So I think there were a number of areas of the types of
21 identification. And, indeed, I think Indiana had a longer
22 period that allowed you to come in and to prove. So I think
23 there were other --

24 MR. TAYLOR: Your main concerns would be on what
25 types of photo ID are required, is the main difficulty you have



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1 between the Indiana/Georgia versus the SB-14 as proposed?

2 MR. BLEDSOE: That's one of the reasons, yes.
3 And that's really kind of very important. And I think that
4 there was an exception I think in Indiana that allowed for
5 various substitutes outside the process or what was identified,
6 and I don't think that was provided for in Georgia because
7 everyone in Georgia already had the photo ID.

8 CHAIRMAN BONNEN: Thank you. Any other
9 questions, Representative Veasey?

10 REPRESENTATIVE VEASEY: Gary, thank you for
11 coming to testify this morning. And I want to thank you for
12 your service to NAACP for so long. The NAACP has never out --
13 the NAACP has never been a popular organization because of the
14 stances that y'all have taken on civil rights issues. I went to
15 the Civil Rights Museum at Troy State in Montgomery, Alabama and
16 was reading about some of the bus boycotts with Rosa Parks and
17 some of the other activities to register people to vote. And if
18 you were a member of the NAACP back then, you could actually
19 lose your job. So a lot of the maids and servants and people
20 that worked at country clubs and worked in doctors' offices and
21 things of that nature, they would actually try to keep it a
22 secret that they worked at the NAACP because they risked not
23 being able to earn a living or yet maybe even have their life
24 threatened. And you fast forward to today, and, you know, we
25 know what happened at the NAACP banquet last year with the



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1 doctor tapes and with Dr. Laura ranting and raving about the
2 NAACP, amongst other things. And y'all are still going strong,
3 and thank you very much.

4 MR. BLEDSOE: Thank you.

5 REPRESENTATIVE VEASEY: I wanted to ask you about
6 Voting Rights Act. And I think the thing that concerns me about
7 this bill was that the Voting Rights Act, one of the things that
8 it sought to dismantle were some of the barriers that were
9 placed in front of voters who were trying to register to vote or
10 cast a ballot, particularly African-American voters. So there
11 were literacy tests. There were poll taxes. There were
12 quizzes, how many bubbles in a bar of soap? Who was a better
13 president, Abraham Lincoln or George Washington, different
14 things like that. And those serve as sort of a barrier, or
15 you're putting something in front of someone that's making it
16 very difficult for them to exercise their suffrage. Have you
17 seen any bills that have been passed on the Texas legislature
18 since the implementation of the Voting Rights Act that has been
19 as burdensome to voters as this bill? Because and I was trying
20 to think. You know, I've been here four sessions now and have
21 worked in politics a little bit longer than that, but I cannot
22 recall, myself, any other sorts of laws that have been advanced
23 or even attempted to be advanced that would place such a burden
24 back onto the voters pre the Voting Rights Act.

25 MR. BLEDSOE: Clearly, Represent Veasey, it's



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1 very true that this is one of the most burdensome bills that has
2 been proposed because, obviously, the upshot, you can almost
3 take it to the bank to say that when the bill is passed, when
4 the bill goes into effect -- I guess the relevant question is if
5 you look at the numbers of voters that we have today.

6 REPRESENTATIVE ANCHIA: Mr. Chairman, just really
7 quickly. I apologize, Mr. Bledsoe. I'm very distracted. Mr.
8 Green in the front row keeps mouthing the words "bullshit" over
9 and over again. I find it extremely offensive as he is -- Mr.
10 Bledsoe is trying to testify here. I saw it once and I let it
11 go. You've done it twice. So I'd ask that you admonish members
12 of the audience not to be disrespectful to the people who are
13 testifying.

14 CHAIRMAN BONNEN: Appreciate that, Representative
15 Anchia. We would ask that any reactions to the witnesses and
16 their comments be kept to yourself. And thank you, Mr. Bledsoe.
17 You may continue.

18 MR. BLEDSOE: Sure. This would be the requisite
19 question. If you take a look at the voters now, there is a
20 circle of voters and these are the voters that are eligible to
21 vote. The question is once this law is passed, what will the
22 new circle of voters look like who are eligible? And as a
23 secondary question, what is provided in the statute if there is
24 a difference to make up the difference to make sure that there
25 is not a diminution or a suppressed or lower minority vote?



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1 And so I think if we take a look at that, and
2 when you look at the specific IDs that are selected here and you
3 then you look at the availability of how you can come and to
4 prove that you are the person that you are, and with the wide
5 discretion that is allowed to someone if there is a one letter
6 wrong in a name, they've got the wrong middle initial, issues
7 like that, with that kind of discretion, if you look at that the
8 number of voters is going to be significantly lower in the new
9 circle.

10 And the law is not going to enable people in the
11 new circle to -- or people outside the new circle to come in and
12 make it look like the current circumstance. So I think that's
13 problem number one on the Voting Rights Act. I think clearly
14 you are going to be disenfranchising minority voters. There's
15 no question about that in terms of who has the IDs, who doesn't
16 have the IDs and who is going to be victimized by election
17 officials. Training is good, but I think training is really up
18 to the individual. I think things really need to be in a
19 statute that really lay it out.

20 There are also other concerns that we have. You
21 know, the -- if you allow individuals to engage in intimidation
22 within a voting site, that's a serious problem. And no one's
23 really talked about that issue. But we had a huge problem in
24 Harris County with that this last time. We do know that
25 minority voters in Bell County and in Bowie County were



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1 intimidated and interrogated by individuals who had no right to
2 do that about how they might have voted. And people were
3 allowed to be around voting sites with intimidating signs and
4 accost voters. We think that's a problem because that continues
5 to exist and will suppress the vote. We're saying is let
6 everybody vote and vote the way that whatever their conscious
7 might be.

8 When we look at the history of our state,
9 Representative Veasey, and we talk about the issues with the
10 NAACP, those things have lasted for many, many years. You know,
11 back in 1919 there was an attempt by the State to get NAACP
12 rolls and shut down the NAACP, and then it happened again in the
13 1950s. The head of the NAACP, back in 1919, John Shillady, a
14 white male, was beaten near death near where we are right now.
15 And when the governor was asked about it by the New York Times,
16 he said there was only one culprit and that that culprit has
17 already been punished. So we've had that kind of history that
18 truly continues. But we always reach out to try to be
19 bipartisan. We're happy to have, like, for example, our number
20 members, secretary, Rob Page. He's always been somebody we work
21 with on some of the standards issues. So we try to reach out to
22 both parties to say that we are bipartisan. So when we come
23 before you, you know we're not saying things for one reason or
24 another that's partisan interest. We're saying it because
25 really and truly this bill will have a negative impact on the



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1 minority vote, and you can take that to the bank. It's a
2 different -- we're a covered jurisdiction. Those other
3 jurisdictions, at least Indiana, is not covered. Georgia had
4 the law where everybody had the ID. That's a big difference
5 from what we have right now.

6 REPRESENTATIVE VEASEY: Gary, does the NAACP have
7 any opinions on why maybe Texas would want to pass a more
8 stringent law than Georgia or Indiana?

9 MR. BLEDSOE: Well, I mean, I think that one
10 thing that seems to be occurring, and that is, you know, we have
11 a large Hispanic population. And what I'm concerned about is
12 that there is a great concern, in other words, to make sure that
13 the Hispanic population does not vote at certain levels. And so
14 if there was some -- if you could show me evidence where in this
15 county somebody had an identification or they voted and they
16 weren't who they said they were, but it just is not a problem.
17 I don't think many people -- let's think about this. You're
18 going to go out there in public, currently, and you're going to
19 walk up to a polling site with people looking at you and you're
20 going to say that you're someone other than who you are. And
21 you're going to -- and it's already a felony for you to do that.
22 I think the current law discourages people from doing that.
23 That's why we haven't seen prosecutions around the state. There
24 may have been one or two over the years. It's really not a
25 problem.



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1 Voter intimidation, the lack of fairness by
2 election officials, those are much larger problems than people
3 voting who aren't who they say they were. That's a fiction.
4 Someone looks at the law and they believe that this is a
5 potential problem. But it hasn't been shown, because I do think
6 you put yourself at risk if you go and vote and you're not who
7 you say you are. So there's not really a need for that. So
8 this bill will have a great impact on African-Americans. I
9 think it will have an even more enormous impact on the Latino
10 community.

11 REPRESENTATIVE VEASEY: If some of the folks got
12 up and testified earlier, said they were concerned about the
13 integrity of the voting process in Texas; they don't have
14 confidence in the voting process in Texas, how would, you know,
15 folks that are different from them feel about the voting process
16 in Texas if barriers and burdens were placed in front of them
17 and they were not able to go and vote? Because I understand
18 their sentiments and what they're saying, but my biggest concern
19 is that, okay, you pass a very stringent law and you make it
20 hard for people to vote, and in particular make it hard for
21 people that let's say that live in my district or districts like
22 mine around the state, you make it hard for them to vote. Well,
23 then, also they would, in turn, end up not having, you know,
24 confidence in the voting system. And already there are issues
25 with other forms of voting that I think the people in my



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1 district have issues with. And just wanted you to kind of
2 address that too, that you want to have a fair system and a fair
3 process because you don't want anyone to feel like that the
4 system is not one that is of integrity.

5 MR. BLEDSOE: Well, you know, I think in many
6 ways Texas has an exemplary system because I think we have
7 evolved. And I think that you -- by allowing people to -- we
8 have -- we allow people who have been on paper, who have had
9 felony convictions, once they're off paper to vote. That's
10 somewhat progressive.

11 REPRESENTATIVE VEASEY: In the South, that's very
12 progressive, absolutely.

13 MR. BLEDSOE: So Texas has kind of evolved. And
14 when we've come over here in years past and we've put out our
15 report card, you have numbers of both parties that get A's or do
16 well on the NAACP report card. But I see that there is a
17 movement in this country to really push back. There's a lot of
18 anti minority sentiment for various reasons that seems to be
19 occurring. And I feel that that anti minority sentiment is at a
20 root of some of these issues relating to voter identification
21 because there's no -- unless you can show me the facts, and I
22 defy anyone in the room to come forward and show me the facts
23 where you've had a problem with people misrepresenting who they
24 are. You may have one or two instances of that over all these
25 years. So that's not a problem.



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1 So we're here, and this is going to put an
2 additional obstacle on people to prevent them from being able to
3 vote. And I don't think that -- and I think this would impact
4 any community if something was put up in place to undermine them
5 from their ability to be able to exercise their right to vote.

6 You know, if someone -- if someone has mail that
7 shows that they work at a certain address, like in the bill that
8 we worked on last time and Representative Anchia kind of led
9 some efforts to compromise, why does that not have integrity?
10 Why is it that you have to have the identification? And then we
11 go again back to the PV19 where those young students were all
12 wrongfully prosecuted, and they were who they said they were.
13 So there's been more of a problem on the other side than there
14 is for voters doing that. But this is again on minority voters.

15 So we think that this is going to be a bill
16 that's going to have a real problem with pre-clearance and that
17 you can't just look at Georgia and say Georgia is pre-cleared
18 because Georgia could show straight up that this is not going to
19 have a disadvantage. We can't show that. That's not true here.
20 And the numbers of people who are not in that new circle, I
21 think those numbers are going to be disproportionately in the
22 minority.

23 REPRESENTATIVE VEASEY: Yeah. And I want to
24 applaud you for coming up with specific examples of how people
25 were intimidated in Waller County and Bell County and Bowie



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1 County recently, not something like you said from yesteryear,
2 but something recently, and not just innuendo and rumor.

3 I have an e-mail right here that was sent to me
4 last election cycle that had gone out to Republican voters and
5 tea party types from the executive director of the Tarrant
6 County Republican party saying, "If you think voter fraud
7 doesn't happen in our area, think again. We need poll watchers
8 in Democratic precincts. Some of these locations are not very
9 safe areas. So this is not for the timid." And once again,
10 those types of things are rumor. That's innuendo. There's
11 nothing concrete, like what you pointed to today, and I just
12 think that, as far as bringing Texans together, that sort of
13 rumor and innuendo, those are the types of things and sort of
14 generalizations that people have been making about minorities
15 and voting since reconstruction. And I just think that passing
16 law based on that sort of -- of these sorts of stories is just
17 bad.

18 MR. BLEDSOE: That actually sounds somewhat
19 inciteful to me, but I didn't hear the whole e-mail, but just
20 the whole tenor of that, "This is not a safe area," that is
21 stereotypical and that is trying to get people charged up in a
22 certain way to go into a minority community. So it's a
23 prescription for disaster. So I think that is indeed
24 problematic to do that that way.

25 CHAIRMAN BONNEN: Were there problems in Tarrant



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1 County this election cycle?

2 MR. BLEDSOE: We did. We had some previous
3 election cycles but not this one reported --

4 CHAIRMAN BONNEN: There weren't any this time?
5 Thank you. Represent Aliseda.

6 REPRESENTATIVE ALISEDA: I'm not ready to concede
7 that our statute is any more stringent than Indiana or Georgia's
8 statute. But you make a point that this particular requirement
9 will affect minority communities more than other groups. Do you
10 have any data as to what members of the black community or the
11 Hispanic community do not have one of the prescribed forms of
12 identification or could not get one of the prescribed forms of
13 identification?

14 MR. BLEDSOE: No, I don't have specific data to
15 show that. I will say this, a couple things. Several years ago
16 we presented a study to this body in reference to racial
17 profiling. We submitted several. And one of the things we did
18 is we looked at driver's licenses. We looked at car ownership
19 and things of that nature. And we were able to show that there
20 was disparities in the certain counties that we looked at out in
21 East Texas. And, again, when I mentioned the point about
22 Presidio County, that's just one example. That will negatively
23 impact minorities in that area because of the placement of
24 driver's license sites for you to go and actually obtain a
25 driver's license.



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1 In other words, to say in the statute that you
2 can get a driver's license for free is one thing. But if you're
3 poor, if you're unable to travel, you don't have the ready means
4 of transportation, your life is your immediate environment,
5 that's going to be tough and difficult. But I think that what
6 happened in Indiana and Georgia is they went out and got that
7 data. So they didn't have to get interest groups or others to
8 come and get the data. They had the data to show what the
9 current circle was and what the new circle would become.

10 REPRESENTATIVE ALISEDA: This particular or
11 something very similar requirement for voter identification has
12 been something pending before the legislature for several years
13 now. And, you know, I'm surprised that here we are in 2011, and
14 we do not have individuals coming forward and saying, "I do not
15 have an identification. I cannot get an identification." I
16 live in Bee County. Do you know where Bee County is, sir?

17 MR. BLEDSOE: I've been there. Tried cases
18 there.

19 REPRESENTATIVE ALISEDA: It's South Texas, 90
20 miles from San Antonio, 56 miles from Corpus Christi. If we did
21 not have a driver's license facility in our county, in our small
22 county seed of 13,000, we have available free or almost free of
23 charge, rural transportation to take you to Corpus Christy to
24 get whatever it is you need, to take you to San Antonio,
25 whatever you need. And that's available to anyone, regardless



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1 of their financial status. It costs them a dollar to ride the
2 rural transportation system to Corpus Christi. All they have to
3 do it call and make an appointment. They'll come and pick them
4 up, even if they have a handicap. They have accessibility that
5 way.

6 So I'm having a hard time understanding how it is
7 that we can make these representations that these
8 identifications are going to impact the minority community more
9 than any other community when we have things available to remedy
10 that. And we've had this thing pending for years and years and
11 I have yet to see a witness -- I assume we may have one later, I
12 don't know -- that is going to come forward and say, "I am not
13 going to get an ID and I can't get an ID."

14 MR. BLEDSOE: And I think the point -- and let me
15 say here, I think number one is as you've challenged us, I would
16 encourage you to challenge other people to produce people who
17 have misrepresented who they were and to produce instances of
18 examples of people who were not -- who manipulated the system
19 and voted fraudulently because that doesn't exist. So just like
20 the point of challenging us to produce someone. But now what
21 we're saying is, we're saying people -- we're saying most of the
22 people that are going to be impacted have limited means. And
23 when you say that Bee County has certain kinds of
24 transportation, that doesn't mean that the other 253 counties in
25 the state have the same kind of transportation. And we're not



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1 saying that people would not be eligible to get identification.
2 We're saying that it's difficult. And, you know, one man's
3 dollar is another man's thousand dollars. So when you have
4 people on fixed incomes, budgets, limited circumstances, we
5 can't begin to preach and to say how easy it would be for them
6 to be able to get transportation and to go to where they need to
7 be.

8 Plus, it needs to be education, because we need
9 to be able to reach out to identify people and let those people
10 know that you're no longer going to be able to vote. So there's
11 going to have to be tentacles that reach into the community to
12 get those people to know that they should go and affirmatively
13 take steps to go and get the identification. That's going to be
14 another requirement.

15 REPRESENTATIVE ALISEDA: Well, does not the
16 statute provide for substantial education?

17 CHAIRMAN BONNEN: Correct, it does. Thank you.
18 I think Represent Harless has a question.

19 REPRESENTATIVE HARLESS: Thank you for being here
20 today, Mr. Bledsoe. You have such a smoothing voice that even
21 when I disagree with you, I can't help but smile. I wanted to
22 ask you, did you have an opportunity to read the committee
23 substitute?

24 MR. BLEDSOE: I have not. I have been briefed on
25 the committee substitute, but I haven't actually sat down and



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1 read it, but I have been briefed on it.

2 REPRESENTATIVE HARLESS: Okay. You mentioned
3 earlier about a problem with a name, like an initial or a
4 different last name. There was provisions made in the Senate
5 bill and also in the substitute that would allow that. So I
6 want to rest your mind that if somebody shows up and their name
7 is very similar and they sign an affidavit, they will be able to
8 vote.

9 The other thing is did you have an opportunity to
10 listen to the testimony in the senate hearing on SB14?

11 MR. BLEDSOE: I was there for most of the day.

12 REPRESENTATIVE HARLESS: Did you testify on that?

13 MR. BLEDSOE: Yes, I did.

14 REPRESENTATIVE HARLESS: There was
15 representatives from Indiana and Georgia, and we have some here
16 today as well. And they testified that the percentage of voter
17 turnout increased after the passage of this law. And I wanted
18 to mention, when you talk about this bill being different from
19 Georgia and Indiana, this bill is tailored along the Indiana
20 law, and in upholding the Indiana's photo ID, the U.S. Supreme
21 court stated, "Confidence in the integrity of our electoral
22 process is essential to the functioning of our participatory
23 democracy. Voter fraud drives honest citizens out of the
24 democratic process and breeds distrust in government. Voters
25 who fear their legitimate votes will be outweighed by fraudulent



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